

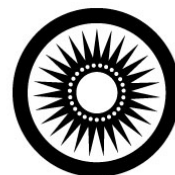
REPORT OF MEETING

TWENTY-FIRST MEETING OF THE COUNCIL OF PACIFIC ARTS

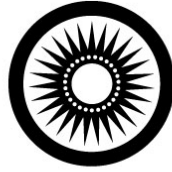
(Pago Pago, American Samoa, 31 March–2 April 2008)



**SECRETARIAT
OF THE PACIFIC COMMUNITY
NOUMEA, NEW CALEDONIA**



The Council of Pacific Arts



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TWENTY-FIRST MEETING OF THE COUNCIL OF PACIFIC ARTS
(Pago Pago, American Samoa, 31 March–2 April 2008)

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I. INTRODUCTION

The 21st Meeting of the Council of Pacific Arts was held at the Governor H. Rex Lee Auditorium in Pago Pago, American Samoa on 31 March 2008. Mr Fagafaga Daniel Langkilde, Co-Chair of the 10th Festival of Pacific Arts, chaired the meeting. He was assisted by Mr Robert Au, Director of the Cultural Affairs Division in Solomon Islands.

The Council adopted the report of the 20th Meeting of the Council of Pacific Arts and reported on the current national situations of the advancement of culture.

American Samoa presented an update on preparations for the 10th Festival of Pacific Arts, to be held from 20 July to 2 August 2008.

Other issues vital to the Festival of Pacific Arts, the Council of Pacific Arts and the Secretariat of the Pacific Community's Human Development Programme were also discussed during the meeting.

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II. AGENDA

- 1. Official opening**
- 2. Elections**
- 3. Working hours**
- 4. Adoption of the agenda**
- 5. 10th Festival of Pacific Arts**
- 6. Country reports on the advancement of culture**
- 7. Strengthening the Council of Pacific Arts**
- 8. Traditional knowledge, culture and rights**
- 9. The Caribbean experience**
- 10. Other business**
- 11. Consideration and adoption of the report**
- 12. Closing of the meeting**

III. SUMMARY OF DISCUSSIONS

AGENDA ITEM 1 – OPENING OF THE MEETING

1. The official opening of the 21st Meeting of the Council of Pacific Arts was held at the Governor H. Rex Lee Auditorium in Pago Pago, American Samoa on 31 March 2008. Mr Simona Lauti, the Executive Director of the 10th Festival of Pacific Arts, spoke first and welcomed all delegates to American Samoa and to the meeting. He introduced Reverend Levi Lagaia, who gave the opening prayer, after which the delegates participated in a traditional *awa* ceremony.

2. The Honourable Togiola T. Tulafono, Governor of American Samoa, welcomed participants to American Samoa. He said that American Samoa was well prepared, as well as proud and honoured, to host the 10th Festival of Pacific Arts. He discussed the theme of the 10th Festival – ‘weaving the garland of Oceania’ – and its meaning for the region. He noted the continuing role of the Council of Pacific Arts in the important task of maintaining languages and cultural traditions.

3. Festival Co-Chair Mrs Le’ala Elisara Pili introduced her Co-Chair, Mr Fagafaga Daniel Langkilde, who opened the 21st Meeting of the Council of Pacific Arts.

AGENDA ITEM 2 – ELECTIONS

4. The Council chose American Samoa to chair the meeting, and Solomon Islands to serve as vice-chair. The Drafting Committee comprised the representatives of Solomon Islands (as Chair), Wallis and Futuna, Papua New Guinea, New Caledonia, Fiji, Palau and American Samoa.

AGENDA ITEM 3 – WORKING HOURS

5. The Council adopted its working hours.

AGENDA ITEM 4 – ADOPTION OF THE AGENDA

6. The Council adopted its agenda, with amendments as proposed by the members.

AGENDA ITEM 5 – 10TH FESTIVAL OF PACIFIC ARTS

7. The Executive Director of the 10th Festival of Pacific Arts presented a status report on the preparations for the 10th Festival. He confirmed the dates, and noted that 20 countries had confirmed their participation and 16 countries had answered the country questionnaires. He welcomed updates from representatives regarding their respective country’s participation, and asked that countries provide details regarding their delegations as soon as possible. He outlined the status of preparations regarding transport, accommodation and venues. He also reviewed the 10th Festival of Pacific Arts budget, which will total USD5.1 million. He asked Council members to indicate if their delegations would like to be hosted in a village, and if and when heads of state would be attending.

8. The Manager of the Human Development Programme (HDP) at the Secretariat of the Pacific Community (SPC) welcomed members of the Council, and joined the Council members in thanking the Governor and his staff for their traditional welcome. She noted that SPC had been pleased to work with the Council and the Government of American Samoa in preparing for the meeting. She emphasised the importance of the deliberations of the Council, both for the region and for providing direction to HDP in its efforts to ensure that the work of the organisation is relevant to members' needs. She also noted the importance of the Festival in maintaining cultural traditions in the region.

9. SPC's newly appointed Human Development Adviser (Culture) reiterated SPC's gratitude for the warm welcome from the Government of American Samoa, and stated that she looked forward to working with the Council to address the important issues facing the region.

10. A discussion ensued regarding some of the points raised by the Festival's Executive Director. In addition to thanking the Governor and the Festival Organising Committee for their warm welcome, representatives addressed several points and raised a number of questions.

Updates regarding participation and size of delegations

- The representative of Samoa noted that the Samoan delegation would include five VIPs and 186 participants.
- The representative of French Polynesia apologised for French Polynesia's late response to the organisers. He said that they would know soon how large his country's delegation would be.
- The representative of Solomon Islands welcomed more information regarding visas, particularly for those countries without an American consulate.
- The representative of Wallis and Futuna indicated that they were still awaiting confirmation regarding their participation, due in part to the cost of a charter flight from Wallis and Futuna.
- The representative of Niue noted that some of the information mailed by Niue had apparently not been received by the organisers.
- The representative of Papua New Guinea (PNG) indicated that his delegation would number 200 people.
- The representative of Vanuatu confirmed that Vanuatu would be participating, and expected to bring 50 people, but that they were attempting to clarify the route and associated costs.

Transportation

- Representatives described the problems they faced in reaching American Samoa on regularly scheduled airline routes. The representative of Niue indicated that arrangements were still in progress for a charter flight.

Quarantine and immigration issues

- Representatives inquired about the arrangements being made to address customs and quarantine requirements, which would affect delegations transiting Hawaii en route to American Samoa, and noted that some delegations would be spending several days in Honolulu before continuing to Pago Pago. It was pointed out that problems had occurred at previous Festivals with respect to permits for delegations travelling via third countries.

Limits to the makeup of country delegations

- The representative of PNG noted that the issue of participation by non-members of the Council had been raised, and indicated that a request made by West Papuans to participate had been referred by the Organising Committee to PNG. He also mentioned that outside groups had wanted to come in under the banner of the PNG delegation. He noted that according to his understanding the host country should be the one to determine eligibility to participate, and said he looked to the Council and Organising Committee for guidance.
- The representative of New Zealand asked for clarification on whether delegations could include non-indigenous participants. She noted that second- and third-generation immigrants to New Zealand from the Pacific Islands sought to be included in New Zealand's delegation, and had attended in New Caledonia and Palau. She urged the Council to address and clarify this as a policy matter.
- The representative of Australia stated that the ongoing migration of Pacific Islanders to communities outside their home countries required that the issue be addressed, and noted that participation in the Festival was an opportunity to empower Pacific Islanders living outside their own countries and communities. She also noted the need to address requests for participation from outside the region (e.g. from Taiwan).
- The representative of American Samoa noted that her country was also dealing with the issue, due to the many American Samoans living in cities in the United States. She said American Samoa has attempted to limit its delegation to what it believes is fitting for American Samoa. She also observed that for the 8th Festival of Pacific Arts in 2000, the Council allowed the host country (in that case New Caledonia) to define what was appropriate, and that New Zealand's delegation included both Pacific Islanders and Maori participants. She also noted the tradition of limiting participation to the Council's member countries. She agreed that there was a need for a clear policy on these issues.

Communication with the Festival Organising Committee

- Several representatives noted that they were having problems accessing information via the Festival website. Several suggestions were made, including that communications be handled by HDP, and that the Festival Organising Committee assign one person to answer questions from and address issues specific to each delegation.

Other issues

- The representative of PNG asked whether betel nut is available in American Samoa.
- The representative of Tuvalu asked for clarification regarding a clear definition of 'Head of Delegation', and who should be listed as the head of delegation when ministers or the head of state will be attending.
- In response to the issues raised, the Executive Director indicated that any specific questions regarding preparations be directed to the Festival office. He noted that no limit was being placed on the size of delegations. In relation to quarantine, he noted the importance of preparing a list of the materials being brought into American Samoa that might require quarantine clearance.

11. The Chief Quarantine Officer in American Samoa gave a presentation on quarantine issues for the Festival. She noted the assistance being given by SPC's Land Resources Division (LRD), including training of quarantine staff and publication of public awareness materials, which she said should be ready two weeks after the meeting and would be posted on the Festival website. She noted that delegations should meet with their own national quarantine staff prior to departure, who would assist participants with quarantine preparations. Monitoring of imported materials would occur at the port of entry. She encouraged all delegations to contact her office to ask specific questions regarding importation of any items for the Festival. She said that concerns do exist regarding the introduction of pests; if materials are cleared by quarantine officials in American Samoa, there should be no problems experienced in Hawaii, even if delegation members are spending several days on a layover.

12. The Executive Director also indicated that the Organising Committee would work to ensure that problems were not experienced as a result of stopovers in Hawaii or other layover locations. The Festival Co-Chair assured members that the Committee would do all it could to assist countries in showcasing what they wanted, and was very open to discussing the issues. The Organising Committee will help clarify what delegates want to bring in, and try to ensure that ingredients for food items are available locally if possible.

13. The representative of Palau noted that for the 2004 Festival, the organisers worked with Palau's quarantine officers, who regularly network and collaborate with both SPC and quarantine officers in all Pacific Island countries and territories (PICTs).

14. The Human Development Adviser (Culture) informed the meeting of several charter flight options – from Nadi, Sydney and Guam – using the Air Charter Network, which also provided charter flights for the 9th Festival. If members decide to pursue any of these options, the Air Charter Network will require payment by the second week of May. She also said that SPC had been in regular communication with the Organising Committee via teleconference, was sending bulletins to and remained in frequent contact with delegations regarding various issues, and was working with LRD to address quarantine issues. To facilitate communication, she noted that it might be possible to appoint specific individuals in the Organising Committee to assist specific countries or assist with specific issues.

15. The Chair noted that heads of state and VIPs are separate from the designated head of delegation. He assured members that organisers would use another means to get materials to members if the website was not working for some. He noted that in keeping with the Festival theme, one large garland would be strung for all participants. He said that countries were welcome to bring their own flowers; members should inform the Organising Committee what they intended to bring, and the Committee would check with quarantine to see if this posed a problem.

16. The Council held a discussion with members of the 10th Festival Organising Committee regarding logistics for the upcoming Festival. Council members raised issues relating to transport, accommodation, meals, visas, health care, cultural sensitivity, and ensuring the safety of delegations. The Organising Committee clarified that health services would be made available to all delegations, including hospital services should they be required. The Council clarified that delegations should ensure that their delegates are informed about and prepared for all issues that might arise during the Festival (e.g. safe sex).

17. The representative of PNG requested that the Council discuss the issue of cultural sensitivity.

Cultural sensitivity

18. The Council discussed the issue of cultural sensitivity during the Festival, referring to experiences at previous Festivals as well as discussions that had been held at previous meetings of the Council and Executive Board.

19. The representative of Australia proposed a motion to the Council that the Festival Evaluation Working Group consider several issues: the inclusion of non-members (e.g. delegations from Taiwan or West Papua), the issue of participation by Pacific Islanders living outside their own countries, and cultural sensitivity. She suggested that the working group could consider the issues in depth and advise the Council on how to proceed. This motion was endorsed by the representative of PNG, who further requested that the Council take up the issue during its current meeting. He noted that American Samoa had indicated during the 5th Meeting of the Executive Board (as reflected in the report from that meeting) that it would address the issue of cultural sensitivity during the 21st Meeting of the Council.

20. The representative of American Samoa said that the Organising Committee had discussed the issue and was very mindful that each delegation was doing its best to represent its respective culture. She said that the Committee had reflected on the events that took place during the 7th Festival of Pacific Arts (held in Apia, Samoa in 1996), and explained that one performance had involved mimicking sexual intercourse, which some members of the public found offensive. She stressed that in working to avoid such a problem during the 10th Festival, the Organising Committee was not seeking to prohibit any particular activities, but hoped instead to reach a solution through mutual understanding. She expressed her hope that delegations would not have to go to 'extremes' to showcase their cultures. She noted that the Committee was seeking to publicise and explain the Festival within American Samoa in order to minimise the possibility that the public would react negatively to bodily exposure (such as topless female dancers) during the 10th Festival. She noted that American Samoa was very respectful of each culture that would be represented at the Festival, and acknowledged that prior to Western contact Samoans had also dressed differently than they do currently.

21. The representative of Samoa extended his country's apologies to PNG for what happened during the 1996 Festival. He was joined by the representatives of Tonga and Tokelau in expressing support for the views expressed by the representative of American Samoa. The representatives explained that their countries had continuing reservations about the potential for some Festival events to offend Festival attendees. They made reference to cultural taboos, rules and conventions in their countries, and indicated that partial nudity and provocative dances were considered offensive. While respecting the right of each country to showcase their views and culture, they asked members to undertake not to offend other cultures.

22. The representatives of Vanuatu, Wallis and Futuna, Nauru, French Polynesia, New Caledonia, New Zealand, Australia, Federated States of Micronesia (FSM) and PNG spoke about the importance of allowing each delegation to express their culture without restrictions. They noted the continuing importance of their dances and performances to their cultures, and their longstanding history (e.g. in FSM, dances are used by practising traditional navigators as a continuing part of a very complex activity that enabled Pacific peoples to explore and settle the region, while in Australia, present-day indigenous practices are based on the 60,000-year-old cultural history of the Aborigines and Torres Strait Islanders). They emphasised that what would be showcased at the Festival were dances and ceremonies that were currently in use, in some cases on a daily basis. They emphasised the importance of being true to their own cultural traditions, and the opportunity that the Festival provided to share ideas and traditions and thus build understanding between the peoples of the Pacific. They noted the need for mutual respect, and emphasised that dancers and performers were not undertaking to annoy or offend, but rather to share and be true to their respective cultures.

23. The representative of New Zealand proposed that, just as is done for particularly controversial art exhibits, informational materials and signage be provided to inform audience members that performances or content may prove offensive to some people. This would protect both the integrity of the performances and the sensibilities of the audience. This suggestion was supported by several other members of the Council.

24. Following the discussion, with contributions by most Council members, the representative of American Samoa informed the Council that it would place no restrictions on forms of expression or dress by Festival delegations, while requesting members to be sensitive to the culture and sensibilities of the American Samoan people. She explained that, as promised during the 5th Meeting of the Executive Board in Noumea in 2007, the Organising Committee had undertaken to inform the community about the purpose and content of the Festival, a process that was ongoing.

25. The Chair closed the discussion by agreeing with members on the need for a long-term policy. He thanked members for their eloquent and considered statements and contributions.

AGENDA ITEM 6 – COUNTRY REPORTS

26. Council members provided an overview on the current situation in their countries with respect to the advancement of culture. The written reports submitted to the Secretariat are annexed to this report.

27. The representative of Australia noted how the current situation with respect to protection of indigenous cultural heritage and traditions had changed with the election of the Rudd Government, which she said would result in significant changes in Australia's relationship with the Pacific Islands. She noted the potential for cultural exchanges between Pacific Island countries, which would allow collaborative works to take place, and spoke of various ways that Australia was working to make traditional culture relevant to youth.

28. The representative of Cook Islands indicated that his country planned to pass bills relating to copyright, intellectual property and traditional knowledge in 2008, all of which would be implemented by the Ministry of Cultural Development. He noted the many festivals that are taking place in the Cook Islands, and the urgent need for technical assistance in a variety of areas.

29. The representative of FSM explained how his nation's government is organised, and said that a national cabinet-level post had just been created to assist with cultural and historic preservation; the position was likely to focus greater attention on cultural issues in the future.

30. The representative of Fiji noted that the Department of Culture and Heritage had moved from the Ministry of Fijian Affairs to the Ministry of Education, National Heritage, Culture and Arts. She stated that funding to support the department's work had increased, and outlined a number of current initiatives, including the establishment of a national art gallery and preparing a submission for listing Fiji's first World Heritage site. She noted Fiji's interest in development by SPC of a regional holistic cultural strategy that addresses both tangible and intangible aspects of culture. She also noted that Fiji would be bringing a delegation of 80 participants to the 10th Festival.

31. The representative of Guam provided an overview of the work of the Department of Chamorro Affairs and its efforts to promote culture in Guam. She noted the obstacles posed by changes taking place in Guam, including the planned US military build-up. She also suggested that meetings of the Council should be held yearly or twice yearly, to facilitate action on issues brought before the Council.

32. The representative of Kiribati provided an update on his country's institutional framework, and highlighted several ongoing and proposed activities. He said that the small market for cultural products and services posed a problem, as did the lack of regional and international markets and networks. He noted that learning of both English and the Kiribati language remained compulsory in primary and secondary schools. He said that technical assistance and legal advisers were needed to ensure that updated policies were smoothly translated into legislation.

33. The representative of Nauru said that her country's focus was on developing partnerships; previously Nauruans had not made time for cultural activities, but today they were sharing cultural skills and promoting creativity. She highlighted two projects: the building of traditional houses and the building of paddling canoes, the latter being undertaken in conjunction with Nauru's Fisheries Department with help from SPC. She said that no progress had yet been made on legal reform, and requested assistance for that.

34. The representative of New Zealand briefly outlined how indigenous culture and the arts are supported in New Zealand. She stated that New Zealand's delegation to the 2008 Festival comprises 140 people (including 20 of Pacific Island ethnicity), bringing every imaginable type of art form. Referring to language revitalisation, she said that a second Maori television channel had just begun operating, broadcasting entirely and exclusively in Maori. She noted the need to address issues of intellectual property, and said there were strong concerns regarding the appropriation of images and commercialisation of culture.

35. The representative of Niue noted that they have a new heritage department, with a staff of seven. Activities for 2006–2008 are based largely at the village level. The theme in 2007 was the Year of Niue Arts and Crafts, and awareness of the Festival of Pacific Arts. He noted that Niue's very small population makes it hard to have competition at the village level, and difficult to get a delegation together to come to the Festival; as a result, Niueans from overseas (particularly New Zealand) will be joining in. Draft legislation on cultural heritage, traditional knowledge and language will be discussed in parliament in early April.

36. The representative of Norfolk Island described the ongoing activities of the Community Arts Society of Norfolk Island and the Cultural Development Association of Norfolk Island, the latter of which was formed in 2007. She noted the importance of the island's traditional culture to its economy.

37. The representative of New Caledonia described the territory's recent history and the evolution of the institutional framework that today makes it possible for New Caledonia to have its own territorial government. The government includes a directorate for cultural affairs that, in addition to cultural and customary affairs, manages citizenship issues and women's affairs, and has therefore received a mandate to take part in the affairs of the Council, and the Festival of Pacific Arts.

38. The representative of Palau described proposed amendments to Palau's constitution, which will be voted on in November. She noted the importance of the copyright law that was enacted in November 2003. She said that the Traditional Knowledge and Expressions of Culture (TKEC) Bill and the United Nations Educational, Cultural and Scientific Organization (UNESCO) Intangible Cultural Heritage (ICH) Convention are presently in Palau's national congress for enactment and ratification respectively. She also described the work being done on intangible cultural heritage, and ongoing work to document important ethnobotanical resources. She encouraged all Council members to join the Pacific Islands Museum Association (PIMA).

39. The representative of PNG described the framework for protection and promotion of culture, which is contained in a variety of legal acts. He noted the important festivals held in different parts of the country, and recent work on the cultural industry, arts and crafts, and development of an authenticity label. He noted that PNG had held four workshops on their model law for protection of culture, and prepared World Heritage listing submissions for eight sites. He also said that PNG had completed national consultations in preparation for ratification of the UNESCO ICH Convention, and was commencing work on ratification of the Convention for the Protection of Cultural Diversity.

40. The representative of French Polynesia noted the importance of cultural roots. He said that important challenges were to give the greatest number of people access to culture, and ensure that children are motivated to learn language.

41. The representative of Samoa described Samoa's work to promote custodians of knowledge and skills, preserve and manage tangible heritage, and adhere to national and international conventions. He stated that their cultural policy was still in draft form, and mentioned efforts to develop vocational training workshops and a monolingual dictionary. He noted that the Museum of Samoa was established in 2001 and attracts an increasing number of visitors; development of the National Archives of Samoa is under way; and a draft Public Records Bill is presently under review by Samoa's attorney-general.

42. The representative of Solomon Islands stated that his new government had shown a significant commitment to culture and had increased the capacity of the Ministry of Culture and Tourism, with three staff members recruited by the Division of Culture. Solomon Islands plans to host the 2012 Festival of Pacific Arts in Honiara.

43. The representative of Tokelau noted that in 2005 his country completed and distributed a 16-volume CD that recorded elderly people retelling songs, myths and legends. More recently, they held the first Miss Tokelau pageant, which was a big event for the community. He said that at the community level, women are at the forefront, but that rapid emigration remains a challenge, as does the small population of just under 1,500 spread over three islands. He noted work being done on technical and vocational education, and said that Tokelau is working hard to preserve the true Tokelauan language, in part through a proposal to establish a language commission.

44. The representative of Tonga covered recent developments in the area of culture. Government entities involved in cultural issues include the Ministry of Education, Women Affairs and Culture (MEWAC); the Ministry of Tourism; the Tonga Traditions Committee; and the Ministry of Labour, Commerce and Industries, which is responsible for intellectual property protection. MEWAC is changing the school curriculum to introduce a new subject that addresses what it means to be Tongan. This comes in part as a response to the 2006 riots that destroyed much of the Tongan capital. The goal is to address learning to know, learning to do, learning to live together, and learning to be. The Tongan language has long been taught, but traditional dancing is now being reintroduced as it promotes cohesion and harmony, and brings many people together. The Traditions Committee has nominated several World Heritage sites, and Tonga is still awaiting the outcome. The *lakalaka* has been proclaimed as a Masterpiece of the Oral and Intangible Heritage of Humanity.

45. The representative of Tuvalu indicated that she is the sole staff member in the Culture Department in the Ministry of Home Affairs in Tuvalu. The department came into existence in 2001. Tuvalu has recently established a Council of Chiefs, but this has not yet been formalised. She noted that her biggest challenge is to promote and bring awareness to her people of the significance of cultural development in Tuvalu. The UNESCO-funded Writing Heritage Project is being further pursued by three islands. Regarding cultural policy, stakeholders lack understanding of the connection between cultural and development objectives, and there is a need to educate the public on the importance of cultural heritage. Legal reform is also a challenge, as various departments are responsible for different aspects. Tuvalu would welcome advice and assistance from SPC on the establishment of a cultural centre, and on developing a cultural policy; the latter should be simple and easily understood by anyone.

46. The representative of Vanuatu said that the Vanuatu Kuljoral Senta (VKS) is conducting field research to record all cultural activities in the villages and communities, focusing on languages and tangible and intangible aspects of culture. They have organised many festivals, and the VKS is actively digitising the national archives and is preparing an application for listing of the Chief Roi Mata Domain as a World Heritage site. They are hoping that parliament will soon ratify the ICH Convention. The VKS is fighting illicit traffic in artefacts (including carved stones removed from tapu areas, and ancient art), the value of which is estimated at €160 million. In 2007, branches of the VKS were established on several outer islands.

47. The representative of Wallis and Futuna noted that she was appointed as Chief Cultural Officer two years ago. The territory has collected traditional knowledge (TK) relating to mats and weaving, and is now working on TK related to tapa. TK regarding canoe building, fales, etc. will also be collected. She said they are fortunate in that the older generation still possesses this knowledge. Wallis and Futuna has created a dictionary of the vernacular language, and has expanded the teaching of Wallisian to youth. The use of French increases as students become older, and the transition is working smoothly. Wallisian is still spoken at home and is taught in high schools; she said they would like to teach it also at the University of New Caledonia. She noted that mothers are the source of the territory's TK; in addition to working with mothers, they are working with the school system to implement programmes on dance, storytelling and legends, and organise visits to historic sites.

Advancement of culture

48. The HDP Manager provided a background on the formation of HDP, referring members to Working Paper 6 and Annex 2 to Paper 2.2.3 of the 37th Meeting of the Committee of Representatives of Governments and Administrations (CRGA), which are attached as annexes 1 and 2 to this report. She noted that the intent is to integrate the activities of the former youth, culture and women's bureaus.

49. The Human Development Adviser (Culture) provided background on the work of HDP in the area of culture. HDP recognises that in the Pacific, development has been closely related to culture, and HDP seeks to integrate culture in all aspects of life and to make culture a central concern of governance. Culture needs to be recognised as both a sector and a cross-sectoral area. She explained that HDP focuses on three areas: promotion and protection of cultural heritage; promotion of cultural industries; and integration of cultural values and ways of knowing, being and doing into regional and national policy. HDP is looking for a more robust approach to human development in the Pacific, in which culture plays a significant role.

50. Regional-level priorities include implementation of the Model Law on TKEC, and the model law on traditional biological knowledge, for which an action plan exists. Valuation of culture in the region – including both economic and socio-political valuation – is also a priority, and will help inform implementation of the Pacific Plan, which gives insufficient emphasis to culture in its four pillars. The purpose of these quantitative and qualitative assessments is to document the strength of culture in the region and to introduce it into regional policy-making. HDP would like to work closely with communities and receive input on the development of 'cultural indicators'. Another priority is a cultural and economic valuation of the Festival, which has never been carried out. The goal is to do this jointly with UNESCO, under the ICH Convention, to determine how the Festival contributes to the safeguarding of ICH.

51. Other important areas include culture and education, training and educational opportunities for cultural sector workers, the impact on culture of natural resource use (some PICTs undertake environmental and, in some cases, social impact assessments related to large developments, but little is done to review the cultural impact of natural resource use), and strengthening of cultural heritage organisations and institutions, which requires active partnership arrangements with countries and organisations.

52. With respect to cultural and creative industries, HDP is seeking to improve networking, elevate the profile of youth and women in creative industries, and promote the audiovisual sector and film making. HDP is also seeking to work with members' national statistical services and SPC's Statistics and Demography Programme on economic valuation of culture.

53. The representative of Palau asked if HDP was working with the Pacific Islands Forum to integrate the cultural sector into the Pacific Plan. She noted that SPC hosts workshops attended by the region's planners and statisticians, and suggested working with them to collect data on cultural industries.

54. The representative of PNG noted that capacity building remains a significant problem for PICTs, some of which lack both a legal framework and institutions. He noted that the Council had discussed the issue many times over the years.

55. The Human Development Adviser (Culture) noted that the Pacific Islands Forum has mandated SPC to develop a regional cultural strategy, but to do so HDP requires data to help define what is happening. Community input is needed on the qualitative aspects. Quantitative data is also needed. Culture can then be integrated as a component of the Pacific Plan's pillars (e.g. economic growth, good governance). She noted the useful work done by UNESCO and New Zealand, and said that HDP would be working with national planners and statisticians. She agreed about the need to provide training and referred to bringing people into programmes through scholarships, which will lead to institutional strengthening if participants are working in the sector. She suggested members could advocate for such an approach.

56. The representative of Fiji discussed the work done by organisations such as PIMA on capacity building, and noted that recommendations may also have been made by the Pacific Regional Branch of the International Council on Archives (PARBICA) and the Melanesian Arts Festival Symposium. She also noted the need for succession planning to address the problem of people leaving their positions once they have been trained.

57. The members split into five working groups to discuss various elements of HDP's work programme, and provided feedback to the plenary regarding their discussions.

Group 1: Regional activities, including evaluation of the Festival and development of a regional cultural strategy

- The group recommended that a subcommittee be formed to address evaluation of the Festival and develop three sets of guidelines for evaluating what participants draw from the Festival, what the host country gets from it, and the Festival itself. Evaluation forms should be developed by the subcommittee so that they can be distributed prior to the Festival. There is also a need to evaluate Festival logistics. The group noted that the report of the 20th Meeting of the Council included a section on evaluation of the Festival, which should have been tabled at the current meeting. In addition, recommendations from the 9th Festival were presented at the 5th Meeting of the Executive Board, and these should also be tabled. These past reports should be incorporated into the regional cultural strategy. The group inquired whether there was an archival collection of all festival reports, and noted the need for a situational analysis that looks at common areas or issues that could feed into the formation of the proposed regional strategy.

Group 2: National-level activities, including the economic and social evaluation of culture, and development of a national cultural policy

- The group reported that some Council members face particular difficulties in that they have very small markets. Larger metropolitan countries often want to restrict trade to one direction. Developing external offshore markets for cultural products is a major challenge. Tourism and overseas nationals (e.g. Samoans in New Zealand, Australia and the US) are major markets for some activities, but more options are needed. For smaller countries, production and delivery on a large scale are difficult. Conservation of natural resources (e.g. shells, special woods) is important, and access to resources must be maintained. Control over products is also important, due to the sensitivity of some art forms or traditional cultural expressions (TCEs), but these concerns can serve to discourage trade in some cases. The custodians of TK are very important, as they are responsible for ensuring the sustainability, continuity and creativity of traditional practices; there is a need to identify and preserve these practices. Issues include how TK is passed down from elders to youth, and encouraging younger people to continue the arts. TK must be shared to be preserved. Modernisation is a problem, and needs to be countered through strategic policy-making.

The group also noted that there is a need to define what culture is; it varies for each cultural group. There is also a need to identify emerging problems, such as a scarcity of resources used for carving or other crafts. It is important to establish a policy, and develop strategies to solve emerging problems.

Group 3: Culture and education, including integration of culture into education training for cultural sectors

- The group noted that culture is transmitted through education. In the Pacific the emphasis was formerly on Western cultures, but this has changed, and education generally now emphasises indigenous culture throughout the Pacific. Improvements can be realised by involving families, through policies to integrate local languages and handicrafts, and through an emphasis on informal education. Approaches that could be useful include passing policies and legislation to make indigenous languages official, and including these languages in school curriculums. The economic valuation of culture is an important area for research, and there is a need to develop indicators that can be used to determine how successful education efforts have been.
- Training is needed in many areas, including by museums and libraries, and on topics such as historic and artefact restoration, and various performing arts. These needs can be addressed through scholarships, on-the-job training, professional training and regional networking (e.g. PIMA). It is important to raise the level of priority given to culture by governments. SPC can assist by helping members with networking; by working together, members may become less dependent on aid. It is important to let others know of our successes. A register of experts in culture, from whom PICTs can get help in specific areas, would be helpful.

Group 4: Cultural heritage, including organisations/institutions/processes, and cultural impact assessments

- The group emphasised the importance of networking. They indicated the need for information on what is available in the region, and for budgets that can enable institutions to work effectively. Networking and communication can be facilitated by organisations such as SPC, UNESCO and the Pacific Islands Forum Secretariat (PIFS). It is important to incorporate TK into school curriculums.
- Cultural impact assessments (CIAs) are important, and should be undertaken consistently so that they can be implemented in member PICTs. CIAs can lead to improvements in existing cultural policies, legislation and activities. They should be shared when they are done. Partnerships are needed to foster regular communication between regional and international organisations and PICTs, and to ensure that what is discussed or put in place is shared with and will benefit others.

Group 5: Development of cultural creative industries (nationally and regionally)

- The group defined creative and cultural industries and culture as comprising their identity, resulting from the relationship between people, land, sea and sky. Policy exists at a national level for some members (e.g. New Caledonia, Cook Islands and Australia) but not for others (such as Norfolk Island). It is important to recognise that definition of cultural priorities does not happen exclusively at the national level but involves communities, with a focus on consultation, participation and negotiation. Indigenous communities need to be drawn into policy-making frameworks. There is a lack of education on and understanding of the importance of culture, although culture is an everyday element of people's lives. Matriarchal and patriarchal issues are important in some cultures, and there are links between national, provincial and local communities.

- Communication on cultural issues is often poor, and there is a lack of understanding in metropolitan societies (e.g. New Zealand, Australia) of the evolution of indigenous cultures present in those countries. Indigenous art arises from the connections between art, heritage, the environment, customary practice, and individual artists and communities.
- Regarding strategies, the group noted that regional guidelines could be useful (such as on how to run cultural education programmes). They noted the need for partners (e.g. SPC, PIMA, UNESCO and the International Council on Monuments and Sites [ICOMOS]), and the value of the Festival in bringing people together to share their cultures, information and ideas.

58. The Council adopted the report of the 20th Meeting of the Council of Pacific Arts, as well as the report of the 5th Meeting of the Executive Board.

AGENDA ITEM 7 – STRENGTHENING THE COUNCIL OF PACIFIC ARTS

59. The HDP Manager introduced a discussion on the working arrangements of the Council and Executive Board, noting that the 20th Meeting of the Council had raised issues on how the Council operates. Some issues were related to the Festival (e.g. media arrangements, copyright, and artist agreements) and others addressed how the Council influences key issues in the region. She made reference to remarks in the Executive Board report about the Board's efficiency and continuity in carrying out its mandate, and suggested there was a need to reflect on how the Council and Board operate.

60. The Human Development Adviser (Culture) expanded on past comments by members that identified the need for greater continuity and follow-up of priorities, increased mainstreaming of culture through enhanced partnerships at the regional level, a greater focus on key areas, and enhanced national-level impact. She also noted the need for improved networking and dissemination of information related to cultural issues. She asked members to consider the objectives, priorities, mandate, membership and operations (including the budget) of both the Council and Executive Board. She outlined a number of questions to guide the discussion, which she suggested should take place in two working groups, with one focusing on the Council and the other on the Board.

61. The representative of Palau noted that SPC serves as the Secretariat of the Executive Board, with information from meetings of the Board disseminated through the Board and SPC. Electronic dissemination of materials is not always successful. She agreed there were many issues of concern other than the Festival, and suggested that better networking would help the Council achieve more.

62. The representative of New Caledonia said he was interested in building SPC's capacity to support the Council, and in a review of previous decisions and discussions. He suggested members look to the ideas of the founders of the Festival to help determine how to address the question of participation by Pacific Islanders who live in the region but outside their own countries or territories, and would like to take part.

63. The representative of New Zealand noted that the Festival was created in 1972 in response to the threat of the erosion of traditional arts. She said this remains a primary objective of the Festival.

64. The representative of Australia commented on the need for the Council to take a more active role in the four-year interim period between Festivals, and to address the impact of traditional culture on youth, and its relevance to them. She also asked for background on whether resources were available to allow SPC to act on behalf of the Council. She asked how decisions of the Council are facilitated by SPC, and whether they are transmitted to the Pacific Islands Forum.

65. The representative of Fiji noted that only one regional meeting of Ministers of Culture had been held (in 2002), primarily to endorse the Pacific Model Law on TKEC. Development of a regional strategy on culture would likely require a similar endorsement.

66. The representative of PNG noted the need to differentiate between the Council and Festival. The latter emerged from concerns about the erosion of culture. The Council began as a governing body for the Festival, but later also included other issues.

67. The HDP Manager noted that these were important questions and issues, which she hoped the working group discussion would address. She said SPC was trying to determine how to strengthen the voice of the Council. SPC is responsible for certain aspects of the Pacific Plan, and would like to get feedback from the Council on how to proceed. She noted that countries that are members of the Council are also members of various regional organisations, and could use these to advance various issues. She said that SPC hosts various ministerial meetings, is part of CROP working groups, and reports to SPC's governing council (the Conference of the Pacific Community). She said that while HDP will undertake to make progress on these issues using these pathways, it requires a clear decision on how to proceed, and she encouraged the Council to send a representative to SPC's Conference and meetings of the Forum when appropriate.

Working Group 1 – Council of Pacific Arts

- The group stated its support for the Council's existing mission statement, and highlighted the particular importance of the following existing priority areas: promotion of traditional language, benefiting from the wisdom of our elders, and support for the aspirations of our youth. The group said there was a need for more regular discussions, and more frequent communication via email to all members. They noted the need for greater continuity. They indicated the need to share what members are doing regarding specific issues, such as the preservation of language, and the activities being undertaken by various organisations. They also indicated the need to examine the policies relating to the Festival.

Working Group 2 – Executive Board of the Council of Pacific Arts

- The group noted that when the Board was established, SPC's Cultural Programme was not funded through SPC's core budget. They determined that Board members sometimes have trouble communicating with their subregion, and that changes in technology and communication have made the Board unnecessary. They recommended abolishing the Board and relying on the Council as a whole. The group noted that the Council has been dealing with many issues related to culture other than the Festival (e.g. the Model Law, cultural etiquette in the region), and noted the importance of these and other cultural projects. They recommended that the Council network with other regional organisations in addition to SPC, and that it be renamed the Pacific Cultural Council to reflect that it addresses a whole range of cultural issues. The group noted that the Council should function as a meeting of advisers to SPC on cultural issues in a manner similar to other regional technical meetings, with the region's culture ministers meeting as the need arises and providing input to SPC's CRGA and Conference, and to the Pacific Islands Forum Leaders meeting.

68. Following the working group reports, members discussed the issue of participation in the Festival by Pacific Islanders who are living outside their home countries. The representative of American Samoa noted that they were allowing each country to determine the makeup of its own delegation. She agreed on the need to develop a policy, but stressed the need to give members the right to determine how best to represent themselves. The representative of Australia noted the hazards of becoming arbiters of the cultural expressions of people from cultures other than one's own, but acknowledged the potential for conflicts regarding cultural expressions and traditions. The Council agreed to allow each Council member to make its own determination regarding the composition of its delegation to the 10th Festival, and to examine the issue for future Festivals.

69. The HDP Manager thanked all members for considering the issues, which have long-term implications for the Council and how it works with SPC. She noted that this was a first opportunity for reflection. She noted that the working group had made some dramatic suggestions regarding the Board, and said she was encouraged by what had been presented and by the potential to develop the Council's ability to engage at the regional level. She suggested forming a working group to further develop the suggestions that had been made, for presentation to the Council's 22nd Meeting, to be held during the 10th Festival. She also said that SPC would respond to recommendations made regarding the need for improved communication.

70. The Council agreed that a working group on the role and responsibilities of the Council will be formed, which will include PNG, Fiji, Australia, American Samoa, Wallis and Futuna, Cook Islands, Tonga and Palau. A concept paper outlining the important issues to be considered will be prepared by the Human Development Adviser (Culture) and distributed to the working group.

71. The Human Development Adviser (Culture) noted the need to be mindful of the intrinsic value of culture to people, as well as the economic value. The need to integrate culture into policy-making made it important to examine the economic impact. She noted that it was not necessary to follow international trends. She remarked on the importance of promoting culture, and interesting Pacific youth in their cultural heritage and giving them a space to express cultural changes.

72. The representative of Australia noted that they have looked at appropriation of culture for many generations, and recognise that culture is one of their greatest assets. She said that culture is now the cornerstone of economic development. She noted the importance of control over culture. She also noted that indigenous festivals in Australia have a history that stretches back thousands of years. There is a potential for economic and socio-political development associated with festivals, with selling goods being just one component. She noted that indigenous peoples have excelled at trade for millennia, and said that the Festival can be seen as a continuation of that.

73. The representative of Tonga suggested that the Council could benefit from involvement by youth, possibly through involvement by universities and tertiary bodies.

74. The representative of Fiji noted the suggestion made by the representative of PNG regarding a larger regional role for the Council, with a smaller committee focusing on the Festival. She noted the need to develop a regional strategy, and other regional and international developments (e.g. the World Heritage Action Plan, the endangered languages project, and the ICH Convention). She noted that the Council should be the forum for looking at all those issues. She noted the importance of supporting youth, as well as older artists.

75. The representative of New Zealand noted the need to keep in mind the Festival's original purpose – preserving heritage. She supported the idea of a fringe festival, which could accommodate non-indigenous communities of Pacific Islanders living in the region, and the idea of having a working group on the issue.

76. The representative of Wallis and Futuna noted the difficulties faced by small PICTs, whose youth share aspirations with those in larger countries but have fewer opportunities. She proposed hosting small groups from neighbouring countries in the form of an exchange.

77. The representative of PNG noted the existence of the Pacific Youth Festival.

78. The representative of Palau requested that SPC develop a database of organisations in the Pacific that deal with culture in various ways, as a means of assisting the Council in networking effectively.

79. The Human Development Adviser (Culture) noted the approach taken in the Caribbean (see Agenda Item 9), where a Festival Directorate was formed to assist the host country, composed of representatives from past, present and future host countries and the artistic community, assisted by an events manager. The purpose would be to ensure continuity and transfer of knowledge and facilitate event preparation. She also noted the need to remain mindful of the unique spirit of the Festival of Pacific Arts, ensure the host retains ownership, recognise the wisdom of host organisers and the role of the Festival in heritage, and make better use of younger arts and cultural professionals. Regarding evaluation of the Festival of Pacific Arts, she noted a joint submission, made in February 2008 with UNESCO, for evaluation of the Festival. She said terms of reference (TOR) needed to be developed, and suggested that the Council establish a working group on the Festival to guide the evaluation and provide recommendations for future Council meetings. This group would examine the 8th, 9th and 10th Festivals, in both host and participating countries.

80. The representative of PNG noted that the potential Festival Directorate might be different from the Council. He noted the need to be mindful of the heritage purpose of the Festival, while allowing for improved organisation and greater economic return. He supported the idea of a fringe festival, as had been held in conjunction with the Caribbean Festival of Arts (CARIFESTA).

81. The representative of Palau supported the idea of a fringe festival. She noted that while the Festival has focused on culture and arts, it may also be a way to support the region's artists and performers, island economies and tourism industry.

82. The representative of Australia also supported the idea of a fringe festival, which could include youth practising contemporary forms, and demonstrate how culture is changing.

83. The Council agreed to establish four working groups:

- Strengthening the Council (PNG, Fiji, Australia, American Samoa, Wallis and Futuna, Cook Islands, Tonga, Palau)
- Evaluation of the Festival (New Zealand, Norfolk Island, Nauru, Palau, PNG, Guam)
- Culture and education (FSM, Cook Islands, Vanuatu, Tonga, Niue, Tuvalu, American Samoa, Tokelau)
- Regional cultural strategy (Fiji, Kiribati, New Caledonia, Solomon Islands, French Polynesia, Samoa, PNG)

84. The Council agreed that members would submit the name(s) of the persons who would represent their countries on the working groups, recognising that some members might choose to have two or three people participating. The working groups would be responsible for determining if they would include non-Council members.

85. The Human Development Adviser (Culture) noted that she would send the submission made by SPC to UNESCO for assistance with evaluation of the Festival to members of the Festival Evaluation Working Group, who would then jointly develop the TOR for the evaluation. She suggested working informally, flexibly and efficiently, and noted that HDP would endeavour to be responsive to the Council. She also noted the request made by several members of the Council that correspondence with the working groups be copied to the entire Council.

AGENDA ITEM 8 – TRADITIONAL KNOWLEDGE, CULTURE AND RIGHTS

86. The Head of the Traditional Creativity, Cultural Expressions and Cultural Heritage Section of the World Intellectual Property Organization (WIPO) gave a presentation that outlined approaches to the protection of TK and TCEs. Effective protection of TK and TCEs rests on four elements: (1) a policy that (2) has goals that are articulated in law, (3) is buttressed by practical tools, and (4) is supported through extensive consultation. He outlined that ‘protection’ of living heritage can occur through ownership or stewardship, which are very different. Ownership is articulated through intellectual property (IP) policies, which encourage innovation. WIPO’s domain is IP policy. Stewardship involves cultural policy, including heritage and diversity policy, which is largely the domain of UNESCO. TCE and TK fall somewhere between these two poles. Both elements are important, and both are challenged by ongoing modernisation and development.

87. He outlined six practical steps to develop an IP policy related to TCEs and TK:

- Identify what to protect (technical skills and/or ways in which knowledge finds expression) and define what constitutes traditional knowledge.
- Decide why it is important to protect it. Is IP protection needed, or stewardship? Is it important to prevent or enable use, or derive economic benefit?
- Who should benefit?
- What are the policy, legal and practical options?
- Coordinate with regional and international processes.
- Establish effective implementation programmes.

88. He noted that the Pacific’s Model Law for the Protection of Traditional Knowledge and Expressions of Culture is an important point of reference in international discussions taking place on these issues, and has inspired much of the work being done in this area internationally. Caribbean countries are considering developing a regional system similar to that being developed in the Pacific.

89. He emphasised that the Pacific’s Model Law serves as a model for national legislation, one that can be modified and adapted according to the particular needs of Pacific Island countries. When the Model Law was adopted in 2002, it was widely distributed. WIPO is eager to see the model tested at the national level, and is ready to help with implementation. He closed by offering WIPO’s assistance in helping members prepare for the upcoming Festival with respect to management of IP. An outline summary of his presentation is annexed to this report.

90. The representative of Wallis and Futuna observed that protection of cultural heritage is very important. She said that her territory had been working on enactment of regulations for five years. She added in this regard that regulations on the conservation of monuments and sites – a territorial responsibility – had been adopted. Work on languages was under way. IP rights are the responsibility of the French Government, and Wallis and Futuna must comply with relevant French and EU regulations. She expressed her interest in shared TCEs (e.g. both Wallis and Futuna and Tonga have a *lakalaka* dance). She noted that Wallis and Futuna would approach both SPC and WIPO for assistance in preparing future TK and TCE legislation, which will require very broad consultation and may have to be adopted by France on behalf of Wallis and Futuna.

91. The representative of American Samoa noted that US law applies in her territory; although local laws can be developed, where conflicts occur US law prevails. She noted American Samoa’s appreciation for the Model Law. She said that the issue of what constitutes individual and community property was a recent one, and noted the need to consider the limits of TK and village or regional ownership of certain legends or traditions. She said she was touched to see how the Model Law represents the heart of Pacific Island artists.

92. The representative of Fiji requested a copy of the WIPO presentation, and said that the Model Law had been instrumental in creating awareness of what needs to be protected. She said the inventory in Fiji had been very important. She noted Fiji also has a *lakalaka* dance, and reflected on the need to consider regional-level issues relating to IP.

93. The WIPO representative noted that the Model Law protects TCE within a copyright framework, that work is ongoing on a TK model law, and that the model law under development for biological TK needs to be coordinated with the existing Model Law in conjunction with the Secretariat of the Pacific Islands Regional Environment Programme (SPREP), PIFS and SPC.

94. The representative of Palau gave a brief presentation on how IP issues were addressed at the 9th Festival. She said that US copyright law can probably be applied for the Festival. Palau had essentially no existing laws to work with in preparing for the 9th Festival, and a law on TK would have taken a long time to pass through Palau's Congress. She said developing a copyright law before the Festival was a priority, and the organisers worked with the attorney-general on the issue. New Caledonia experienced problems with the issue during the 8th Festival. Palau trained representatives from across Micronesia to document the 9th Festival, and an official DVD was disseminated. A media accreditation manual was developed to accredit external media representatives. She emphasised that the primary issue to be concerned with is TK – how will performers be protected when other media are recording their performances?

95. The Festival Publicity and Communications Subcommittee Chair noted that they have a media accreditation manual that uses Palau's approach as a model. He said they are working on a media agreement to specify artists' rights, which will be finalised and forwarded to all countries.

96. The Legal Consultant to WIPO gave a presentation that examined how indigenous Australians have used IP tools to protect TCE and TK. She noted that there is an overlap between IP laws, contracts and protocols, and gave a number of examples illustrating this. She stressed that IP laws do not protect TK and TCE. Strategies should include development of both policies and laws, and should use available IP tools and other measures and develop capacity to implement, manage and enforce these. The full text of her presentation is annexed to this report.

97. The representative of New Caledonia asked whether there were signs of a common national identity emerging. He said many artists use shared motifs in painting or carving, and asked how ownership should be defined in such cases. He noted past trafficking in Kanak motifs from outside countries. He also asked about protecting TK belonging to one clan from use by other clans.

98. The representative of Guam inquired about filming: who has rights to the Festival – the host countries or the Council? And who makes the rules?

99. The representative of New Zealand asked how such rules, laws and protocols could be policed and enforced.

100. The representative of American Samoa inquired about the protection of contemporary visual arts. She said her inquiry related to oral arts – legends – and noted the need to protect these. She asked whether provisions exist to protect all narratives, such as those about island origins.

101. The representative of Palau asked about the role of the UNESCO ICH Convention, and how it applies to oral history.

102. The WIPO consultant said that copyright cases have addressed the theft of motifs belonging to specific clans; these cases have been won using copyright laws. She said that if the law recognises that an individual owns specific rights, the artist owes a special duty to the clan to ensure that image is used appropriately. This concept is now part of Australian copyright law. Australia's Aboriginal and Torres Straits Islander Arts Board encourages artists to work within their own traditions, and Australia has developed a trademark that is placed on artwork and comprises an authenticity certification. Regarding who owns the Festival, it can be protected as IP, through a trademark or through branding. This could be protected by copyright held by the Council or SPC. She noted the usefulness of keeping lists and databases of names. In some instances requests are made by festivals for the return of high-quality images, which can be used for promotion and can serve as an archive. Databases can be used to track rights and maintain an inventory. Protection of oral stories is more difficult. In Australia, copyright depends on IP being in a tangible form. In Australia people are increasingly writing their own stories, or recording oral stories, which give these a tangible form.

103. The WIPO representative summarised some practical ways to proceed with IP issues. In the longer term, for any festival, he recommended six steps:

- Identify scenarios – what might happen?
- Survey existing applicable law.
- Identify gaps, ideally in consultation with artists, etc.
- Draft practical tools to narrow or fill the gaps – protocols, etc.
- Consult with artists and communities over the draft practical tools (note who has to give approval – this must be clear).
- Build capacity to manage, enforce and implement.

104. More immediately, he suggested what could be done for the current Festival:

- Identify scenarios – what might happen?
- Survey US law and policy (e.g. Indian Arts and Crafts Act, Misappropriation and Unfair Competition Law, and cultural heritage programmes).
- Identify gaps.
- Establish tools.
- Focus on the most likely problems.

105. He noted that WIPO could assist by developing a toolkit for future Festivals. He asked for guidance regarding assistance needed for the upcoming Festival.

AGENDA ITEM 9 – THE CARIBBEAN EXPERIENCE

106. The Human Development Adviser (Culture) summarised lessons from CARIFESTA as detailed in Working Paper 9 by the Caribbean Community (CARICOM) Programme Manager for Culture, which is annexed to this report. She noted similarities and differences between the two festivals. CARIFESTA developed a strategic plan in 2004, with the goal of creating more opportunities for artists, addressing IP and media rights, and measuring the economic impact of the festival. They developed a new management structure, with the purpose of improved sustainability, and focused on better planning and management, improved funding, and a bidding process. They changed the organisation format by establishing a board of directors and a festival directorate. She addressed the question of what was useful from CARICOM for the Festival of Pacific Arts.

107. The representative of Fiji noted that the Pacific is unique in having the largest number of indigenous cultures globally, which makes the region different from the Caribbean. She noted the importance of drawing on past Festivals to plan for the future, and the need to think about which country might host the 12th Festival. She commented on the need to improve networking in the region to facilitate participation in events in the region, and globally.

108. The representative of PNG supported the idea of better management plans. He noted the need to handle bidding for future Festivals carefully. He also commented on the need to consider CARIFESTA in the context of Caribbean culture.

AGENDA ITEM 10 – OTHER BUSINESS

Bidding for the 12th Festival of Pacific Arts

109. The Council agreed that bidding for the 12th Festival, which will be held in 2016, would be invited from Micronesian members of the Council. The Chair noted that a letter will be sent by SPC to those members announcing the bidding, and copied to other Council members.

22nd Meeting of the Council of Pacific Arts

110. The Council agreed that a meeting will be held during the second week of the 10th Festival. The meeting will be restricted to one day, and will consider bidding for the 12th Festival and table any available information papers from the four working groups established during the current meeting. The Secretariat will liaise with Council members on the date, schedule and agenda for the meeting.

Health insurance

111. The representative of Palau reminded members of the decision taken after the 2000 Festival that each delegation to the Festival should supply their own health insurance.

11th Festival of Pacific Arts

112. The representative of Solomon Islands gave an overview of initial preparations for the 11th Festival in 2012 and indicated that more details would be provided at the 22nd Meeting of the Council, to be held during the 10th Festival. He noted that Solomon Islands is now served by five airlines, and will have sufficient hotels of international standard. He noted several options for the Festival village and various potential venues for activities. He said that the experience of Solomon Islands with the Melanesian Arts Festival had provided valuable background, and remarked on the new art gallery and entertainment centre that are in preparation. He noted the continuing support being provided by Australia with respect to security, and looked forward to learning from American Samoa during the 10th Festival.

113. The representatives of PNG and Fiji confirmed their pledge of support to Solomon Islands in its hosting of the 11th Festival, and noted the success of the Melanesian Arts Festival hosted by Solomon Islands in 1998.

114. In response to comments from several representatives, the Human Development Adviser (Culture) confirmed that the goal of evaluation of the Festival was not to affect or disrupt preparations by Solomon Islands for the 11th Festival, but to guide the Council in determining the direction taken for subsequent Festivals.

AGENDA ITEM 11 – CONSIDERATION AND ADOPTION OF THE REPORT

115. The Council considered the report of the 21st Meeting of the Council of Pacific Arts, and adopted the report as amended by members.

AGENDA ITEM 12 – CLOSING OF THE MEETING

116. On behalf of the Government of American Samoa, the Chair thanked Council members for the professionalism and dedication with which they conducted the meeting, and the HDP Manager, Cultural Development Adviser (Culture) and other members of SPC's staff for making the meeting possible. He noted that he looked forward to seeing everyone again in a few months at the 10th Festival of Pacific Arts.

117. On behalf of the members of the Council, the representative of Wallis and Futuna thanked the Government of American Samoa and the Festival Organising Committee for their warm welcome and hospitality. She said that the Council members were leaving knowing that American Samoa's extensive preparations ensured that the 10th Festival would be a success.

118. The representative of French Polynesia echoed the thanks voiced by his colleague from Wallis and Futuna, and paid tribute to the high calibre of contributions made to the meeting by members of the Council, SPC staff and invited guests. He noted that the best way to overcome differences was by coming together, as the region would soon be doing through the Festival.

119. The HDP Manager thanked the Chair, Council and all those involved with the meeting for their hard work, and the Government and people of American Samoa for their hospitality.

120. Through traditional oratory and song the Festival Organising Committee thanked the Council, SPC staff and guests for travelling to American Samoa and attending and contributing to the meeting, and wished everyone a safe return journey. Following a prayer, gifts were presented to all attendees; the Council responded with a gift for the Chair.

121. The Chair closed the 21st Meeting of the Council of Pacific Arts.

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V. ANNEXES

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Annex 1: Human Development Programme

HUMAN DEVELOPMENT PROGRAMME

(Paper written and presented by Elise Huffer, Human Development Adviser (Culture), Secretariat of the Pacific Community)

INTRODUCTION

1. The Human Development Programme (HDP) is part of the Social Resources Division of SPC. It was formed by a merger of the Community Education and Training Centre (CETC) and the former Cultural Affairs Programme, Pacific Youth Bureau and Pacific Women's Bureau. Programme components will include policy advice, training and capacity building, technical assistance, research, partnership and network building, and complementary advocacy, communication and information approaches, in accordance with its Strategic Plan 2008–2012 endorsed at the 37th CRGA in Samoa.

2. Culture is fundamental to human development and well-being. This has always been recognised in Pacific communities where culture has been central to people's daily lives. But culture's contribution to sustainable development and economic and social well-being has only more recently been acknowledged in international policy circles. This recognition has come about partly as a result of globalisation's threat to cultural diversity and is also due to the increase in global trade in cultural goods and services and intellectual property rights. Together these trends have led to new more economic and managerial approaches to thinking about culture and cultural policy throughout the world. This has both advantages and disadvantages, which HDP will consider carefully in partnership with the Council of Pacific Arts.

3. In the Pacific, human development has always been closely connected to culture, which has provided a special place for women, men and youth, and ensured a strong sense of identity and closeness. Culture throughout the region is a way of life as well as a manifestation and celebration of a variety of expressions and practices. HDP recognises this and will foster an approach that continues to seek to integrate and promote culture in all aspects of life. At the same time, HDP is aware of the need to advance the role of culture in policy and to make it a central concern of economic development and governance. Culture is recognised as a sector in itself as well as a cross-sectoral area.

AREA OF CULTURE

4. It is proposed that in the area of culture, HDP will specifically strive to foster the:

- a) protection and enhancement of cultural heritage;
- b) promotion of cultural industries; and
- c) mainstreaming and integration of cultural values and ways of knowing, being and doing.

5. This is in line with the regional priorities set by the Meeting of Pacific Ministers of Culture convened by SPC Noumea in 2002 and the outcomes of Council of Pacific Arts and Executive Board meetings and in accordance with the Human Development Programme Strategic Plan, 2008–2012. The desired outcome from the focus on these three priority areas

(which overlap) is more robust human development in the Pacific, in which culture, and especially the role of youth and gender therein, plays a substantial role. Activities will be carried out at the local, national and regional levels.

6. Within those three overlapping themes, these are the three suggested regional priorities:

- To pursue the implementation of the Model Law on Traditional Knowledge and Expressions of Culture, in collaboration with PIFS, SPREP and WIPO. A proposal has been submitted to WIPO and another is being submitted to the TradeCom facility to provide technical assistance to advance implementation of the Model Law in six countries (Cook Islands, Fiji, Kiribati, Palau, Papua New Guinea and Vanuatu) over an 18-month period. The areas in TK protection that require action are the drafting of TK bills; local, national and regional consultations on TK; development of databases for cultural mapping; cultural mapping and the policy framework for the regulation of TK. The principal objective is to protect TK from misappropriation and inappropriate exploitation, but the Model Law also aims to elaborate measures for TK holders to be able to benefit from their knowledge.
- To initiate a valuation of culture in the region. There are two main objectives to this:
 - i) to work at the country level to assist countries to determine the value of their cultural sector; and
 - ii) to prepare the development of a regional cultural strategy using the four pillars of the Pacific Plan (governance, sustainable development, economic growth, security).

The proposed methodology for objective i) is to carry out two types of surveys:

- a quantitative economic valuation; and
- a qualitative evaluation from which we can develop indicators on the contribution of culture to sustainable development, good governance and security (the Pacific Plan pillars).

The regional strategy will be developed based on the outcome of the studies and in collaboration with a working group (to be established), which will report back to the Council of Pacific Arts.

- Cultural and economic valuation of the Festival.

Since its establishment the Festival has not been assessed. The Festival's social, cultural and economic contributions to communities (including women and youth), countries and the region, as well as to the international community have not been evaluated. This makes it difficult to judge formally to what extent the Festival contributes to the safeguarding and active promotion of cultural heritage and to the development of arts in the region and internationally. It also makes it difficult to assess how the Festival contributes to enhanced well-being and poverty reduction, and to human development.

A joint proposal with UNESCO has been submitted for an evaluation of the Festival.

Other areas it is proposed that HDP focuses on are:

- the active recognition and teaching of culture in formal and non-formal education (with the development of appropriate materials and the furthering of cultural rights);
- improving access to training and education for cultural sector workers;
- encouraging the sustainable and enhanced use of natural resources through the consideration, in development projects, of existing cultural assets and implications for local culture by the projected activity. The use of cultural impact assessments and close collaboration between stakeholders (various government departments, local communities, NGOs and private sector actors) will be promoted; and
- strengthening of cultural heritage organisations and institutions.

AREA OF THE CREATIVE/CULTURAL INDUSTRIES

7. HDP will work towards:

- a) Improved networking between creative producers (artists, craftspeople, communities); private and public sector, including tourism sector; regional and international festivals; and international cultural bodies and donors.
- b) Promoting the participation and lifting the profile of youth and women in the creative industries.
- c) Assisting with the development of the audiovisual sector.
- d) Collaborating with national statistics departments in selected countries to develop data on the cultural sector.

8. HDP will also work closely with countries wishing to develop/review or in the process of developing/reviewing cultural policies, and particularly with identifying ways of promoting culture cross-sectorally as well as sectorally.

CONCLUSION

9. HDP welcomes comments and discussion on the above areas and requests that countries specify their particular needs.

10. Finally, HDP invites the Council to endorse this plan of work being proposed by HDP for the cultural sector within the framework of the new HDP Strategic Plan.

Annex 2: Human Development Programme Draft Strategic Plan 2008–2012

HUMAN DEVELOPMENT PROGRAMME DRAFT STRATEGIC PLAN 2008–2012

1. INTRODUCTION

The Human Development Programme (HDP) is part of the Social Resources Division of SPC. It was formed by a merger of the Community Education and Training Centre (CETC) and the former Cultural Affairs Programme, Pacific Youth Bureau and Pacific Women's Bureau.

This strategic plan is based on the outcomes of the Human Development Programme Planning Meeting that was held in January 2007 and brought together representatives of governments, civil society, development partners and SPC stakeholders to map out the direction of HDP for 2008–2012.

HDP will focus on support to Pacific Island countries and territories (PICTs) for the design and delivery of social policy, programmes and services. It will do this by fostering an integrated approach to human and social development; mainstreaming gender, youth and culture in development and governance policy; improving the knowledge and information base for human development practice; and strengthening partnerships and networks with community-based organisations to enhance their role in human development policy processes. Programme components will include policy advice, training and capacity building, technical assistance, research, partnership and network building, and complementary advocacy, communication and information approaches.

HDP aims to achieve results aligned with PICT national development strategies, SPC's new Corporate Plan and regional and international commitments such as the Pacific Plan, CEDAW and the United Nations Millennium Development Goals (MDGs). It will work in partnership with member countries and territories, civil society, the Council of Regional Organisations in the Pacific (CROP), donors and other development partners.

2. BACKGROUND TO THE HUMAN DEVELOPMENT APPROACH AND THE STRATEGIC FOCUS OF HDP

The human development approach recognises that a country's, society's or individual's well-being and needs require a number of positive indicators or need to be addressed through a range of factors in addition to income level, which is the standard economic measurement. It stresses income distribution rather than gross national product per capita, and factors in social indicators reflecting life expectancy, years of schooling and gender equity. In human development terms, the purpose of development is to enlarge all human choices, not just income, including through creating an economic and political environment where people can expand their human capabilities.

In the Pacific region, the focus on people-centred development has led to recognition and endorsement of human development as a means towards achieving more holistic development that takes into account economic growth, sustainable development, good governance and human security. This is reflected in recent regional cooperation frameworks, including those of bilateral donors, which all refer to international agreements and commitments such as the Millennium Declaration and MDGs. They include the Forum Basic Education Action Plan, the Pacific Youth Strategy 2010, the Pacific Platform for Action on Gender Equality and the Empowerment of Women, the planned regional cultural strategy and the Pacific Plan. SPC's current corporate response to assisting PICTs to achieve sustainable human development is organised around three critical and interactive elements of livelihood: the people of the Pacific, their land and the sea.

3. PACIFIC CONTEXT AND CHALLENGES

Human development in the Pacific region has been unequal and generally declining over the past two decades, although some countries have experienced gains. Most Pacific country indicators show mixed achievements in health and education and high rates of unemployment and joblessness, which has led to hardship, frustration and, in some cases, social and political instability. The region has been particularly challenged by globalisation's emphasis on economic growth through financial and trade liberalisation. With growth have come greater inequality in income distribution and increasing poverty levels across and within many countries. Recognising that countries are at different levels of development and that human development issues are broad-based and interrelated, the following summary of the context and challenges of human development in the Pacific is organised into four areas that are consistent with the current focus of regional cooperation efforts.

Economic growth

Economic growth in the region has stagnated, although in recent years performance has improved in some countries. There is a lack of employment in the formal sector, and local and foreign investment is generally low. Informal contributions to the economy are undervalued and marginalised. Some countries have relied heavily on extractive activities to generate growth, to the detriment of developing new areas of more sustainable and creative activity. Economic policy and design have often failed to include the potential contributions of women, youth and rural and local communities in the development process, resulting in missed opportunities. The potential of culture in the economy has also been undervalued, and there has generally been an overemphasis on urban development and services to the detriment of rural growth.

Sustainable development

Key challenges include growing populations and the pressure these place on available resources and services. According to SPC population estimates for 2007, 37 per cent of the Pacific Island population is under 15 years of age (3.49 million), and a further 20 per cent is aged 15–24 (1.84 million). This expanding 'youth bulge' is exerting significant pressure throughout PICTs. Additionally, poverty is a serious and growing problem and is reflected in the difficulties of meeting basic needs, such as adequate shelter and health care, and growing peri-urban poverty in many PICT cities and urban areas. More complete data need to be collected and disaggregated to support further analysis of this challenge. In relation to health care, non-communicable diseases constitute the greatest burden of disease and in many PICTs malaria and tuberculosis persist.

In Papua New Guinea, HIV has reached the level of a generalised epidemic; it is a threat elsewhere. Continued improvement of and access to quality health care are critical, as is education for behaviour change and healthy lifestyles. In relation to education, the main issues are access, quality and relevance, and the links with what is undoubtedly a major regional challenge: youth unemployment. Areas needing development include technical and vocational education; basic business training, including microfinance; access to and use of information communication and technology (ICT); civics; and family life education. Core cultural values remain strong and development is often thought of as being destructive of traditions and culture, to the point that it is resisted. While it is important to preserve and promote culture, it must also be recognised that culture can facilitate and strengthen development processes.

Good governance

Governance has become an increasing challenge for some Pacific countries. This is at times attributed to the difficulty of accommodating Western liberal representative democracy with traditional, local forms of representation and institutions. Governance has been weakened through an overemphasis on the executive arm of government and an under-representation of elected women. The lack of public spaces and frameworks to enable consultative policy processes to develop and to allow for greater participation has resulted in a growing gap between communities (urban and rural) and national governments. The lack of financial and human resources, compounded by a high level of international demands on countries, has resulted in delays in much-needed legislative and institutional review

and/or reform. Furthermore, measures and systems to hold leaders accountable are insufficient at different levels of government, making governance systems potentially vulnerable to abuse and mismanagement to the detriment of progress in human development.

Human security

Human security relates to the protection of the rights of individuals and communities to live in a secure environment. In the Pacific, human security is threatened primarily through the unsustainable management of natural resources, including destructive and polluting agricultural practices; the overharvesting of forests, coastal fisheries and other non-renewable resources; increasingly insecure access to land in some areas, particularly for women and youth; natural disasters (earthquakes, tsunamis, cyclones), some of which are compounded by global climate change; unequal development leading to increasing poverty and rising crime rates; urban overcrowding, with lack of access to proper sanitation, water and electricity supply; inadequate food production, particularly in countries that rely heavily on food imports; lifestyle diseases and poor nutrition; and inadequate health services for growing populations. Some of these issues, e.g. natural resource management, are compounded by weak regulatory and under-resourced legislative systems, and short-sighted practices by local communities. In terms of health, the pressing threats are existing and emerging communicable and non-communicable diseases, such as HIV, tuberculosis and malaria, and the possibility of exposure to highly pathogenic avian influenza (HPAI), SARS and pandemic influenza. Violation of the human rights of women, children and youth, including through increased perpetration of violence (e.g. domestic violence and child abuse, civil conflicts, substance abuse, violent crime and political upheavals), is also a pressing issue. Other threats are the difficulty of controlling borders and increasing levels of illegal trafficking of drugs and people. Bio-piracy, the lack of fair benefit sharing, and 'level playing field' approaches to biological knowledge and resources also jeopardise the rights of Pacific Island communities and nation states.

4. SPC'S RESPONSE

Enhancing human development in the Pacific requires an approach that builds on the strengths and specificities of Pacific communities and their better engagement with national institutions as well as with regional and global changes.

HDP's primary clients are the national ministries and departments responsible for gender, youth, culture and community development, and civil society organisations, including those working at community level. However, the integrated approach of the programme will mean that a lot of the work at both regional and national level will involve key clients of other SPC programmes, such as national statistics offices and planning departments.

While striving to be flexible in its response to PICTs, HDP will play a major role in addressing these challenges by offering:

- policy advice and support;
- training, capacity building and capacity supplementation;
- technical assistance;
- research and analysis;
- strengthening and development of partnerships with all stakeholders, especially civil society; and
- practical knowledge and information on human development approaches.

In relation to policy support, HDP will strive to integrate policies of PICTs that are specific to gender, youth and culture through policy review, targeted training and workshops, and case analysis. Such policies largely exist only on paper and are under-resourced, and have therefore been slow to be implemented into mainstream development policies, plans and budgets. At a regional level, HDP will work closely with CROP agencies to improve the human development focus in regional frameworks. CETC will develop into a strategic human development training centre while strengthening national-level delivery of its services, and over time HDP will develop a mechanism to be able to respond

quickly to country needs through targeted technical support drawn from a broad range of in-house, country, regional and international experience and expertise.

The programme will draw on the whole of SPC's experience and work particularly closely with the other SRD programmes (Public Health, and Statistics and Demography) to identify relevant and emerging issues for research and analysis, and in doing so develop close working relationships with relevant institutions. HDP will place high priority on developing mechanisms for including community-based organisations in all of its work, while on another level strengthening links and facilitating engagement between PICTs and international decision-making bodies and forums in order to ensure that the concerns and interests of the Pacific Island region are represented. As the regional coordinating agency for a number of relevant international and regional commitments in the area of human development, HDP will continue to facilitate and contribute to relevant regional dialogue, networking and events.

5. PRIORITIES

HDP priorities during 2008-2012 are to enhance human development in PICTs by:

- fostering an integrated approach to human development at regional and national levels;
- mainstreaming youth, gender and culture in development and governance policy at regional, national and local levels;
- producing and disseminating information, including research, in multimedia forms to promote and support human development approaches; and
- strengthening and building partnerships and networks with community, faith-based and civil society groups to enhance their role in human development policy processes.

During this planning period, the programme will focus on several key areas: gender as a cross-cutting issue; culture as an economic and social resource; more effective community-based approaches; implementation of the Pacific Youth Strategy 2010 and the Pacific Platform for Action on Gender Equality and the Empowerment of Women; and incorporation of human development into all aspects of SPC's technical programmes. Emphasis will be on developing initiatives that demonstrate an integrated human development approach in line with the broad goal and objectives of the programme.

6. GOAL, MISSION AND OBJECTIVES

The goal of HDP is to contribute to the mission of SRD, which is: 'To maximise the development potential of Pacific Island people in health, culture and information and enhance the empowerment of women and young people'.

Its mission is 'To support Pacific Island countries and territories with the design and delivery of social policy, programmes and services'.

The programme will focus on the following objectives for the five-year period 2008-2012.

- | | |
|-------------|--|
| Objective 1 | To assist the adoption and implementation of an integrated approach to social policy, programmes and services |
| Objective 2 | To build national-level capacity to respond to human and social development needs |
| Objective 3 | To develop and strengthen networks and partnerships and improve coordination of social and human development programmes and services |
| Objective 4 | To strengthen knowledge and approaches for improved human development |

7. OUTPUTS AND KEY PERFORMANCE INDICATORS

Objective 1 To assist the adoption and implementation of an integrated approach to social policy, programmes and services

Output 1.1 More effective culture, gender, youth and education policy design and implementation in PICTs

This output includes review and assessment of current policies; demonstrating the benefits of an integrated approach to human and social development through case analysis and shared good practice; and the provision of technical support to and the support of sector-specific work on policy and services, e.g. in education, culture, youth and gender. Government demand and ownership of these services will be critical.

Key performance indicators

- Number of PICTs implementing integrated social policy and programmes
- Demonstrated prioritisation of gender, youth and culture across and within policy sectors and in national budgets

Output 1.2 Human development issues reflected in existing and emerging regional sectoral strategies and approaches

This output will fill gaps in existing regional strategies to ensure focus on human development issues and promote an integrated approach to policy and work and service delivery. Work in this area will depend on enhanced collaboration between HDP and other technical programmes of SPC, as well as with other CROP agencies.

Key performance indicators

- Gender, youth and culture increasingly addressed in regional strategies in areas such as ICT, basic education, disability, public health (including HIV and other sexually transmitted infections), sustainable development, disaster management, trade and economic reform, and security
- CROP agencies and other regional stakeholders appropriately addressing human development issues in all aspects of their programmes

Objective 2 To build national-level capacity to respond to human and social development needs

Output 2.1 Focused community development training through CETC

This will involve a review of current CETC offerings; development of a targeted and accredited curriculum that addresses priority skills and knowledge gaps; increased CETC services to small island states, French territories and Northern Pacific countries and territories; and a decentralised approach to the delivery of training.

Key performance indicators

- CETC role revised in purpose and scope
- Enhanced delivery arrangements in member countries
- Increased participation of small island states, French territories and Northern Pacific countries and territories in CETC programmes

Output 2.2 Responsive and flexible mechanism providing training and capacity building in human development approaches

This output is aimed at providing training and capacity building in human development approaches through the development of an efficient and flexible response mechanism, which could include

CETC, to address PICT needs. It will include mobilising resources from within HDP and SPC, and identifying a pool of experts and institutions as partners to deliver support services.

Key performance indicators

- Country requests, response rates and feedback
- Inventory of available expertise and institutions
- Effective partnerships

Objective 3 To develop and strengthen networks and partnerships and improve coordination of human development programmes and services

Output 3.1 Civil society, community and faith-based organisations actively contributing to human development initiatives

This output is aimed at supporting and strengthening capacity at the local level to fully participate in the design, implementation and monitoring of human development programmes and services. This will involve identifying civil society and community-based partner organisations, building their capacity and providing opportunities for them to participate in human development activities and processes, and supporting the development and extension of their networks to improve the delivery of social services.

Key performance indicators

- Human development initiatives successfully implemented with civil society organisations
- Established network of organisations supporting human development programmes at community, national and regional level

Output 3.2 Improved coordination with CROP, international and regional non-government organisations and agencies on human development initiatives

This output is aimed at building and strengthening regional and international partnerships in support of more effective human development initiatives. It will be achieved through regular consultative processes, sharing of information, joint initiatives, facilitating Pacific representation at global summits and conferences, common reporting frameworks, and cost-sharing.

Key performance indicators

- Partnership agreements include references to networking and information sharing
- Jointly implemented and funded programmes/initiatives
- Pacific interests and concerns reflected at global forums

Output 3.3 Increased collaboration with SPC technical programmes on human development initiatives

This output is aimed at integrating human development issues and concerns across the technical programmes of SPC. It will be achieved through joint activities, establishing mechanisms for information sharing, in-house training, pooling of technical expertise, cost-sharing, and review and updating of corporate policy guidelines and instruments.

Key performance indicators

- Joint activities included in joint country strategies
- Human development priorities reflected in SPC corporate strategy and policy guidelines
- Joint initiatives

Objective 4 To strengthen knowledge and approaches for improved human development

Output 4.1 Improved data and research

This output will improve and fill information and data gaps for informed decision-making, planning and monitoring. Research will cover areas such as gender, cultural and social impact assessments; gender-based violence and child abuse; economic valuing of culture; youth mapping; and human development interaction with local governance. Priority will be given to working with national researchers. Work will continue on the collection and use of statistical information for improved monitoring of human development, particularly in the areas of women, youth and culture, for inclusion in SPC's regional database (PRISM). The programme will work closely with other SPC technical programmes such as Statistics and Demography and Public Health.

Key performance indicators

- Number of studies completed, published and used in policy development at both national and regional level
- Development of a comprehensive regional human development database that adequately reflects the status of culture, women and youth development

Output 4.2 HDP recognised as a regional centre for resources and information on human development

This output aims to establish SPC's HDP as a reference point for human development information and resources by encouraging information sharing through establishing and maintaining networks, regularly updating PICT media and other stakeholders on relevant events and activities, and the production of literature and audiovisual resources.

Key performance indicators

- High demand for HDP resources
- User-friendly and targeted print, audiovisual and electronic publications produced and disseminated
- Active use of ICT networks – PACWIN, ACT-FEMMES, websites, SkyEdge VSAT

Output 4.3 Improved advocacy for human development

This output is concerned with the development of innovative advocacy tools, public campaigns and partnerships with special groups (such as members of parliament or sports personalities) and international and regional marketing and media organisations, and the organisation of special events and activities aimed at promoting human development approaches.

Key performance indicators

- Increased visibility of HDP in print, broadcast and electronic media
- Number of publicity campaigns and advocacy materials designed and supported
- New media and marketing partnerships developed and working effectively

8. REPORTING, MONITORING AND EVALUATION

HDP reports regularly to SPC's governing bodies, the Conference of the Pacific Community and the Committee of Representatives of Governments and Administrations (CRGA), which provide the key directions for the programme. Heads of agency and other sectoral meetings play an important role in confirming these directions, identifying emerging challenges and providing feedback on the performance of the programme.

Annual progress reports and work plans are provided to the SPC Executive and development partners. This is in addition to specific project reports and any exception reporting.

Independent reviewers will evaluate HDP every few years as part of SPC's programme of regular reviews. Evaluations will focus on results at the objective and output levels. The next review is

scheduled for 2008/09. It is planned that a Reference Group representing a range of stakeholders will continue to provide guidance to HDP as part of a broader SRD monitoring mechanism.

9. PARTNERSHIP AND RESOURCES

HDP maintains an active dialogue with governments, regional organisations, donors, multilateral agencies, civil society and community-based networks, academic and research institutions and others. The achievement of HDP's objectives will involve strengthening partnerships with these entities, including through partnership agreements, as well as increasing resources. HDP will work in full collaboration with its partners to re-examine frameworks, improve coordination, jointly design and implement programmes, and mobilise additional resources. HDP's full complement of staff will include a programme manager, five advisers, three training instructors, three technical officers, two programme assistants and four support staff. The advisers have specialised responsibilities in the main focus areas of the programme: culture, gender, youth, and community-based education and training. Equally important will be to ensure that cross-cutting issues and linkages are made across the various aspects of the programme, including with other sections of SPC, making teamwork essential in the planning and delivery of programme activities. While the core management and adviser team is based in Noumea, New Caledonia, the HDP has a significant presence at SPC's regional offices in Pohnpei, Federated States of Micronesia and Suva, Fiji Islands. In 2008, HDP project staff are also located in Kiribati and Solomon Islands.

The programme's funding situation has greatly improved due to significant increases in core budget and programme funding support (provided mainly by Australia, France and New Zealand). For 2008, funding from these sources is expected to reach 1.7 million CFP units (approximately USD 1.9 million). Additional project funding is expected to provide another 840,000 CFP units (approximately USD 930,000), resulting in a total HDP budget of 2.54 million CFP units (USD 2.83 million).

10. MATRIX SUMMARY

Objectives, outputs and key performance indicators	Means of verification
Objective 1: To assist the adoption and implementation of an integrated approach to social policy, programmes and services	
<p><i>Output 1.1: More effective culture, gender, youth and education policy design and implementation in PICTs</i></p> <ul style="list-style-type: none"> • Number of PICTs implementing integrated social policy and programmes • Demonstrated prioritisation of gender, youth and culture across and within policy sectors and in national budgets 	<ul style="list-style-type: none"> • Policy review findings • Technical assistance assessment reports • Activity reports
<p><i>Output 1.2: Human development issues reflected in existing and emerging regional sectoral strategies and approaches</i></p> <ul style="list-style-type: none"> • Regional strategies in areas such as ICT, basic education, disability, public health (including HIV and STIs), sustainable development, disaster management, trade and economic reform, and security address gender, youth and culture • CROP agencies and other stakeholders appropriately address human development issues in all aspects of their programmes, e.g. in resource management 	<ul style="list-style-type: none"> • Regional strategies and policies
Objective 2: To build national-level capacity to respond to human and social development needs	
<p><i>Output 2.1: Focused community development training through CETC</i></p> <ul style="list-style-type: none"> • CETC role revised in purpose and scope • Enhanced delivery arrangements in member countries • Increased participation of small island states, French territories and Northern Pacific countries and territories 	<ul style="list-style-type: none"> • Annual training report • Review endorsed by CRGA 2008 • Curriculum package published • Formal accreditation agreement • Country participation rates • Local-level training partnerships operational • Curriculum packages web-formatted

Objectives, outputs and key performance indicators	Means of verification
<p><i>Output 2.2: Responsive and flexible mechanism providing training and capacity building in human development approaches</i></p> <ul style="list-style-type: none"> • Country requests, response rates and feedback • Inventory of available expertise and institutions • Effective partnerships 	<ul style="list-style-type: none"> • Training reports • Partnership agreements • Demand for HDP services • Percentage of best practices adopted
<p>Objective 3: To develop and strengthen networks and partnerships and improve coordination of human development programmes and services</p>	
<p><i>Output 3.1: Civil society, community and faith-based organisations actively contributing to human development initiatives</i></p> <ul style="list-style-type: none"> • Human development initiatives successfully implemented with civil society organisations • Established network of organisations supporting human development programmes at both national and regional level 	<ul style="list-style-type: none"> • Database of organisations • HDP progress reports • Duty travel/training reports
<p><i>Output 3.2: Improved coordination with CROP, international and regional non-government organisations and agencies on human development initiatives</i></p> <ul style="list-style-type: none"> • Partnership agreements, e.g. MOUs, include references to networking and information sharing • Jointly implemented and funded programmes/initiatives • Pacific interests and concerns reflected at global forums 	<ul style="list-style-type: none"> • Consultation/meeting reports • Progressive reports on regional plans/frameworks • Participation of PICTs at international forums; forum outcomes documents
<p><i>Output 3.3: Increased collaboration with SPC technical programmes on human development initiatives</i></p> <ul style="list-style-type: none"> • Joint activities included in joint country strategies • Human development priorities reflected in SPC corporate strategy and policy guidelines • Joint initiatives 	<ul style="list-style-type: none"> • Joint country strategies • SPC policies • SPC technical programmes' progress/annual reports

Objectives, outputs and key performance indicators	Means of verification
Objective 4: To strengthen knowledge and approaches for improved human development	
<p><i>Output 4.1: Improved data and research</i></p> <ul style="list-style-type: none"> • Number of studies completed, published and used in policy development at both national and regional level • Development of human development database that adequately reflects indicators of culture, women and youth development 	<ul style="list-style-type: none"> • Pacific Regional Information System (PRISM) • Published studies/reports
<p><i>Output 4.2: HDP recognised as a regional centre for resources and information on human development</i></p> <ul style="list-style-type: none"> • High demand for HDP resources • User-friendly and targeted print, audiovisual and electronic publications produced and disseminated • Active use of ICT networks – PACWIN, ACT-FEMMES, websites, SkyEdge VSAT 	<ul style="list-style-type: none"> • HDP website • Feedback from users • Number of new subscriptions to forums and newsletter • Number of requests processed satisfactorily
<p><i>Output 4.3: Improved advocacy for human development</i></p> <ul style="list-style-type: none"> • Increased visibility of HDP in print, broadcast and electronic media • Publicity campaigns and advocacy material • Media and marketing partnerships developed and working effectively 	<ul style="list-style-type: none"> • News coverage • Advocacy tools • Marketing strategy • Activity reports

Annex 3: Using intellectual property tools to protect traditional cultural expressions/traditional knowledge-related issues at arts festivals

USING INTELLECTUAL PROPERTY TOOLS TO PROTECT TRADITIONAL CULTURAL EXPRESSIONS/TRADITIONAL KNOWLEDGE-RELATED ISSUES AT ARTS FESTIVALS

(Paper prepared and presented by Terri Janke, Terri Janke and Company)

1. Introduction

This paper provides information on intellectual property issues that arise in relation to arts festivals, with a specific focus for traditional cultural expressions (TCEs) and traditional knowledge (TK)-related issues. The Festival of Pacific Arts is a celebration of Pacific arts, culture and knowledge. A great wealth of TCEs and TK will be showcased at the Festival, including music, dance, drama, photography, craft, visual arts, sculpture, cultural practices including food preparation, canoeing, basket-making and medicinal preparations.

To protect against intellectual property infringement and TCE/TK appropriation, a mix of IP tools such as copyright and trade marks, as well as contracts and protocols, can be useful.

2. Film and photography

Public performances of traditional song, dance and culture can be filmed, recorded in sound or photographed. The problem for traditional performers is that they cannot control how that recorded material is used. At the Laura Festival in 2000, the Wik Apalech Dancers were photographed performing, and their image was used without consent, for a CD of Indigenous music not related to them. The image was also put on a postcard. (See Case Study 5, WIPO, *Minding Culture*, at <http://www.wipo.int/tk/en/studies/cultural/minding-culture/studies/finalstudy.pdf>.)

Organisers can control the capturing of performances, art and craft during the Festival by agreements for visitors attending – so that the rights to photograph, film, record or use in publicity are obtained from the event organisers and/or the relevant performers.

Using signed performer's releases for authorised filming and recording is necessary. For still photography, some form of written agreement will need to enforce rights of performers. For instance, access to the performance is conditional on the audience not taking photographs.

3. Film contracts

These rights can be granted by the organisers by way of written contract, and terms relating to protecting and safeguarding TK can be inserted. For example, it is a growing practice for Australian film contracts for Indigenous cultural material to contain cultural heritage rights clauses recognising rights of TK and TCE owners. See Australian Film Commission, *A guide to protocols for filmmakers working with Indigenous content and Indigenous communities*, at http://www.afc.gov.au/downloads/indig_prot_draft.pdf.

4. Broadcasting rights

The rights to communicate the Festival to the public include broadcast via television, radio and Internet. Film rights to festivals can also be managed by event organisers – accredited television stations with conditions that allow editing and/or payments. For example, the Special Broadcasting

Service has the broadcasting rights for an annual event, *The Deadlys*. The event organisers restrict people from filming the event – tickets state that no filming is allowed.

5. Media accreditation and guidelines

Inviting media to apply to attend the event and also to provide proposals to the organisers is another way of managing risk. The Council of the Festival of Pacific Arts could then appoint limited media to come to the events, and make their entry conditional on them respecting guidelines or protocols.

Media guidelines and protocols should be drafted and made available to the media, as well as to all participants.

The Festival website (<http://pacartsas.com/>) could be used to disseminate the guidelines and protocols. The guidelines could instruct media, and others, about respect appropriate to cultural sites, or cultural dances and knowledge. Guidelines for media are another way of informing the media about representations of culture and appropriate ways of behaving and respecting culture at the Festival of Pacific Arts.

Some models for the Council of the Festival of Pacific Arts to explore include:

- Uluru-Kata Tjuta National Park film and photography guidelines – permits are required to film, record by sound, photograph or do artistic works (see <http://www.environment.gov.au/parks/uluru/vis-info/permits-image.html>).
- The Dreaming Festival (<http://www.thedreamingfestival.com/>) – takes online applications for media prior to the event.

6. General authority to make a record

Yothu Yindi Foundation (YYF) are the organisers of the Garma Festival, a cultural festival held in northeast Arnhem Land in the Northern Territory. They have developed protocols for the conduct of visitors and participants, which they enforce by entry and access contracts. People must apply to attend the festival, and if their attendance is approved they must agree to abide by the protocols. One of the protocols is that those who want to photograph or record at the festival must sign a ‘General authority to make a record’ agreement. This can be done online prior to attending the festival. The one-page agreement sets out the conditions:

- Anyone making a recording must follow the directions of YYF staff.
- The YYF will own copyright and intellectual property rights of records on behalf of the traditional Aboriginal owners. ‘Records’ is defined as any photographic, film, video or audio recordings, whether permanent or not, and the creation of any literary, dramatic, artistic or musical work that embodies an image or sound that was made available to the recorder at the festival.
- The person must agree to use the recording only for personal use. No publication of the recording is allowed without the prior permission of the YYF
- The recorder must give high-quality copies to the YYF after the festival.
- The YYF may use the copy for fundraising or publicity purposes provided that the YYF gives credit to the recorder.

- The recorder shall not use a record in a matter that is detrimental to the traditional owners, their rights in land, or their corpus of ritual knowledge, or in a manner inconsistent with Aboriginal law and custom.

(Available online at: <http://www.garma.telstra.com/pdfs/2008/GF08backgroundnotes.doc>.)

7. Live performance and copyright

Live performances provide an opportunity for bootleggers associated with pirate networks to record, produce and distribute materials illegally. It is important to have signage and set terms of entry to events that there be no recording or filming without prior consent.

Under copyright laws, performers must consent to the recording and filming of their performances. These rights are called performers' rights. We recommend that consent be given in writing with clear terms on the use.

8. Live performance and contract law

Access conditions also allow event organisers to limit the use by which people can make use of recordings and photographs. A good policy, which is stated on the website or made available at the Festival, will alert people that you intend to take care for TK/TCE.

This is used by many event and concert organisers to protect the performance, and a note is put at the ticket sales point and even on the ticket itself. Some examples:

- No filming, photography or recording devices allowed.
- Flash photography is not permitted within the Museum.
- No photography of any kind is permitted.

9. Moral rights

Creators of works and filmmakers have moral rights to their works and films. Performers have moral rights in their performances. Moral rights are:

- The right of attribution
- The right against false attribution
- The right of integrity

Procedures for crediting artists and performers should be put in place to allow the connection and attribute creators.

10. Attribution for traditional custodians/cultural owners

The Festival should ensure that proper attribution is given to performers, creators of works and makers of sound recordings and films, but also to traditional custodians of traditional knowledge and traditional cultural expressions. For example, within Australia, clans are often attributed where works incorporate traditional knowledge. The Arts Law Centre recommends the following traditional custodian notice in artworks with traditional knowledge:

The images in this artwork embody traditional ritual knowledge of the (name) community. It was created with the consent of the custodians of the community. Dealing with any part of the images for any purpose that has not been authorised by the custodians is a serious breach of the customary law of the (name) community, and may also breach the Copyright Act 1968 (Cth).

For enquiries about permitted reproduction of these images contact (community name).

11. Public performance rights

Copyright owners have the right to publicly perform their songs in public, including at festivals. Festival organisers pay a performance licence fee to the public performance collecting agency. In Australia, the Australasia Performer's Rights Association (APRA; www.apra.com.au) can grant a licence. In Fiji, the Fiji Performing Rights Association (FPRA; <http://www.fpra.com.fj/musicUsers.htm>) can grant licences. For the United States, the relevant agencies are ASCAP (American Society of Composers, Authors and Publishers) or BMI. Fees are calculated as a percentage of the gross box office receipts and are generally paid after the event, but in some cases an advance payment is required. As part of administering the licence, Festival organisers should have all performers complete a list of the works they perform and return these to the public performance collecting society after the event. The song lists allow for the society to identify who should receive royalty payments.

In Australia, APRA recognises that its members own copyright in arrangements of traditional music. The distribution rules in Australia allow a percentage of around 50% to the artist. However, the rules of distribution could be adjusted in the territory.

12. Trade marks and branding

A trade mark is a sign or device used to denote the source of goods and services. Many well-known arts festivals brand their events with registered trade marks. Registered trade marks and branding give festivals opportunities to gain sponsorship but also allow them to protect the cultural integrity of the festival in the event that the reputation of the festival is compromised, or content of the festival is used for inappropriate purposes.

WOMAD – the World of Music, Arts and Dance, expressing the central aim of the WOMAD festival – brings together and celebrates many forms of music, arts and dance drawn from countries and cultures all over the world. First held in the UK in 1982, the festivals have involved performance events in over 20 different countries. The conference organisers registered 'Womad' as a trade mark in many of the countries where WOMAD is held. In 1989, the event organisers registered the UK trade marks and in 1994, the Australian trade marks for WOMAD were registered in classes for festivals, but also for recordings, publications and merchandise.

13. Merchandising policy promoting authentic arts and craft

Consumer protection and fair trading law protect artists from misleading and deceptive conduct. There are laws such as the Indian Arts and Crafts Act (US), which makes it illegal to display or sell goods 'in a manner that falsely suggests it is Indian produced'.

Merchandise sold at and during the Festival will include visual arts, craft, books and products that are authentic. The Council of the Festival of Pacific Arts should adopt a merchandising policy that promotes best practice for sale of Pacific arts.

Wider promotion of this policy could be done via national tourism and retail agencies, or via government. For example, the Code of Practice for retailers and galleries in the City of Melbourne was established by the City of Melbourne local council to promote the sale of authentic Aboriginal art on fair terms. See <http://www.melbourne.vic.gov.au/rsrc/PDFs/ArtsAndCulture/IndigenousCodeofPractice.pdf>.

See also the guide developed by Arts NT and the Association of the Northern and Kimberley Aboriginal Artists of Australia (ANKAAA), 'Purchasing Australian Aboriginal Art: A Consumer Guide' at <http://www.aboriginaltourism.com.au/downloads/consumer.pdf>.

Registered trade marks may also assist with promotion of authentic products. For instance, the Gab Titui Cultural Centre in the Torres Strait registered a trade mark for its cultural centre, and associated classes for products sold at the centre's shop.

14. Protocols

Protocols are also a good way to invoke the goodwill of participants to respect TCE/TK, and if combined with contracts can be legally binding, as the example of the Garma Festival shows.

Protocols can cover principles such as:

- Respect
- Indigenous control
- Communication, consultation and consent
- Interpretation, integrity and authenticity
- Secrecy and confidentiality
- Attribution
- Proper returns (payment)
- Continuing cultures
- Recognition and protection.

The Aboriginal and Torres Strait Islander Arts Board of the Australia Council has produced a series of protocol guides that cover TCE/TK issues, as well as copyright. See

http://www.australiacouncil.gov.au/data/assets/pdf_file/0007/19744/Performing_arts_protocol_guide.pdf.

Other event organisers have published their protocols to inform participant behaviour at festivals. An example of a protocol for taking photography:

Please exercise courtesy and sensitivity when taking photographs – seek the permission of the subjects if taking close-ups, or photographs of small groups, particularly in the women's programs and men's programs cultural and health sessions.

15. Traditional knowledge protection

For protecting against the misuse of traditional knowledge, performers and participants should be aware that there is no international legal regime that protects traditional knowledge rights. Participants should ensure that traditional knowledge is suitable for public performance and dissemination at the Festival.

Notices included within the Festival's published protocols and guidebooks will also put the audience on notice that any traditional knowledge should not be used, adapted or commercialised without the prior informed consent of the relevant traditional custodians. Here is an example of a notice used in a published book on Indigenous plant knowledge:

Traditional knowledge notice

The language and information contained in this book includes traditional knowledge, traditional cultural expression and references to genetic resources (plants and animals) of the Manyjilyjarra and Warnman people. The information is published with the consent of Manyjilyjarra and Warnman traditional custodians, for the purposes of general education and language maintenance purposes.

Optional paragraph to allow researchers a limited licence if appropriate

Use and reference is allowed for the purposes of research or study provided that full and proper attribution is given to the author, knowledge holder and traditional custodial group. No

commercial use by educational institutions is authorized without prior consent and negotiation of rights.

This information should not be used commercially in any way including in tourism, food technology including bush tucker applications, medicines, pharmaceutical products, health and beauty products, storytelling or as trade marks, patents and designs, without observing the Indigenous cultural protocols of prior informed consent, attribution to traditional Indigenous communities, cultural integrity, and the sharing of benefits.

16. Choice of law

The 2008 Festival of Pacific Arts is in American Samoa. Hence, US law will apply. The examples discussed above reflect the Australian legal and policy framework, and are for illustrative purposes only. It may be possible to adapt them for application to the Festival; however, advice from a US legal adviser is recommended.

17. Summary

Festival organisers can use a range of IP tools to protect intellectual property at the Festival, such as copyright, performers' rights, trade marks used in association with contracts, protocols, guidelines and notices (accreditation, access conditions etc).

PARTICIPANTS	POTENTIAL STRATEGIES
Copyright for original works – songs, dance, literature, visual art	Copyright notices with name and date.
Performers' rights	Performers' rights control recordings of performances. No commercial filming/recording. Provide Festival organisers' rights to record for publicity.
Rights of public performance	Musicians and performers to join public performance association to collect licence fees. Arrangements of traditional music to be recognised.
Moral right of attribution – creators of works/makers of sound recordings and films	Notices for creators/makers of sound recordings and films.
Moral right of integrity for creators of works	Notice.
TCE and TK recognition	Traditional knowledge check – make sure prior to performances and publication that knowledge is suitable for public performance and dissemination. Traditional knowledge and traditional custodian notices used.

FESTIVAL ORGANISERS	POTENTIAL STRATEGIES
Access is conditional on respecting TK/TCE	Contractual rights enforced by publishing on website, at point of sale, and on the back of tickets.
Rights of public performance	Public performance rights licence.
TCE and TK recognition	Protocols for TK/TCE published on website and in visitor guides, media info kits and conditions of entry on website, at point of sale and on tickets.
Accredit media at events	Solicit applications via website – once media is selected have them sign a media agreement.
Accredit photographer	Solicit applications via website for accredited photographer – once selected, the photographer agrees to be bound by terms of contract.
Accredit broadcasters	Council can select broadcasters for events and make film/recording conditional on respecting protocols. Broadcaster must get performers' releases from participants to film and record their performances.
Restrict photography, film, recordings	Festival of Performing Arts (FOPA) policy for no commercial photography, recording or filming – enforced by entry conditions, warnings published on website and event guides, ticketing and media campaign.
Commercial photography of specific participants	Media guidelines advising people they must enter into agreements with relevant participants and become an accredited recorder.
Publicity film/recording of event	Seek limited licence to photograph and film or record participants to use for publicity of the Festival only, using a performers' release form.
TK/TCE attribution	Traditional custodians' notice and TK notices published in visitors' guide, on website, etc.
Promote authenticity	Trade marks registered for FOPA.
Promote authenticity	Merchandising policy for products sold at FOPA and brand authenticity.

VISITORS	POTENTIAL STRATEGIES
No photography, film, recordings	Invitation to attend events is conditional on following protocols and on there being no commercial photography or filming, or sound recording – terms via ticket, visa entry and published on website, at point of sale.
Personal photography is limited	Photography/film/recording restricted to personal use. No publishing on the internet including YouTube. No use for non-commercial purposes unless prior informed consent on terms to be negotiated.
Repatriation of copies of recordings for cultural maintenance purposes	The recorder could be asked to give copies to the Festival archive.

Annex 4: Intellectual property and traditional cultural expressions and traditional knowledge: Policy, law, practice, capacity – WIPO presentation

Intellectual Property and Traditional Cultural Expressions and Traditional Knowledge: Policy, Law, Practice, Capacity

(Wend Wendland, Head, Traditional Creativity, Cultural Expressions and Cultural Heritage Section, World Intellectual Property Organization (WIPO))

Effective protection of TK/TCEs

- Policy – to set overall goals and directions
- Law – to articulate policy through legal principles and rights and duties
- Practical tools – to take full advantage of and supplement the law
- Consultation and capacity building – to strengthen policy formulation and enable effective use of law and practical tools

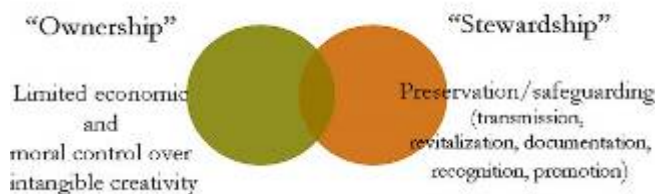
Policy and law

- A policy context – what core policy choices are there?
- Practical steps towards developing IP policies related to TCEs and TK
- National, regional and international developments:
 - Update on norm-building and capacity building at WIPO
 - Pacific Islands Regional Framework

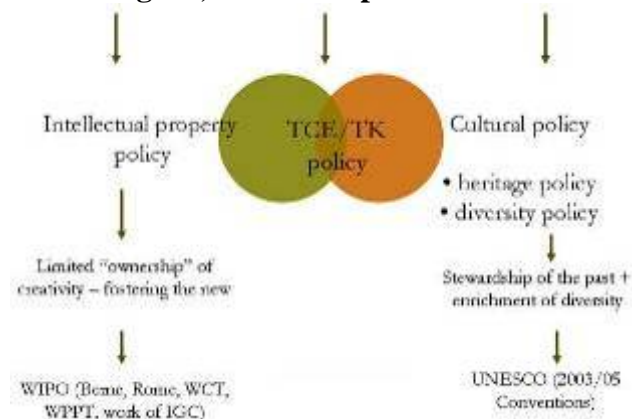
Practical tools

I. A policy context – what core policy choices are there?

The ‘Protection of living heritage’



Technological, social and political transformations



TK and TCEs as cultural and economic assets

- What goals are there?
 - cherish and revive – dignity
 - combat erosion and preserve – identity
 - promote artistic and cultural exchange – stability and unity
 - foster economic development – creativity

‘It is possible to combine modern economic ideas with traditional and cultural practices to create stronger national economies’ (EPG, for Pacific Islands Forum, 2004)

IP – is there a problem? what is it?

- Intellectual property laws protect only ‘original’ and ‘novel’ works by known individuals, for a limited time, often only ‘fixed’ works
 - IP laws place traditional expressions and knowledge in the ‘public domain’
- Productions based upon tradition can be protected as ‘original’ creations
 - but no legal duty to acknowledge or share benefits with tradition bearers
- Existing IP does protect TCEs to some degree:
 - copyright for contemporary adaptations and interpretations
 - copyright for unpublished works and works of unknown authors (Berne, 15.4)
 - related rights protection of recordings of TCEs and for ‘performers of expressions of folklore’ (WPPT)
 - databases and compilations of TCEs and TK can be protected
 - collective trademarks/GIs can protect against passing off

From a threshold policy question . . .

Should there be new IP-like protection for TCEs that are currently in the ‘public domain’, providing a ‘people’ or ‘community’ with control over their use outside the ‘customary context’?

. . . to a complex policy debate

- ‘a song or story is not a commodity or a form of property but one of the manifestations of an ancient and continuing relationship between people and their territory’
- a ‘potent modern reinvention of colonialism’
- the ‘artificial reification of tradition’, turning local culture into a scarce resource and rival good, creating competition within and between communities
- extravagant claims, based on intuitive yet vague and unprovable ‘cultural rights’
- culture as ‘tradition’ denies indigenous peoples a ‘contemporary voice’
- existing IP systems should be used more effectively

... TCEs of Europe’s various regions are part of the public domain ... The exploitation of TCEs, even on a commercial scale, by persons outside the region where the folklore originates, has not been seen to have a negative impact ... on the contrary, it has stimulated cultural exchange and fostered regional identities ... authentic TCEs have become inherently better known and of higher economic value ... those who advocate IP protection for their own TCEs would create monopolies of exploitation ... exchange or interaction could thus be made more difficult, if not impossible.

(European Community, WIPO/GRTKF/IC/3/11)

... the application of classical IP thinking and terms in the field of folklore might easily distort the picture and at best confuse issues ... while it is admitted that TCEs might have been publicly available ... this does not mean that such materials had fallen into the ‘public domain’, a term of art

which suggests an expiration of protection. One is dealing with subject matter that has never enjoyed formal protection. Most communities have their traditional mechanisms for the protection of their TCEs.

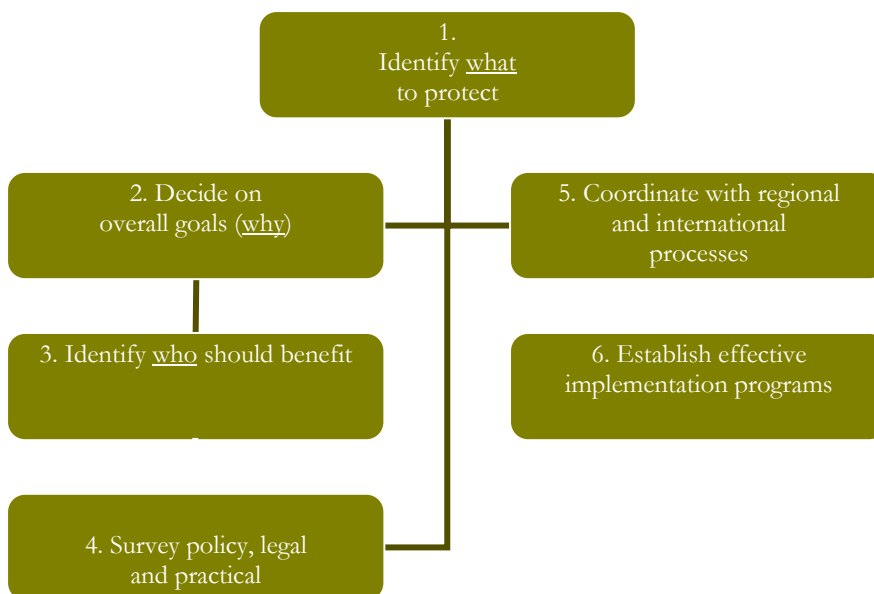
Nigeria (WIPO/GRTKF/IC/9/14)

Which approach best serves?

- Enrichment of cultural diversity
- Fostering and protection of creativity
- Respect for and protection of rights of indigenous peoples and other TCE/TK practitioners
- Safeguarding of cultural heritage

II. Practical steps towards developing IP policies related to TCEs and TK

Six steps . . .



1. Identify what to protect

- Review TK and TCEs held in your country/region
- Identify actual cases of IP-related misappropriation. What is the precise harm? What specific IP needs are there?
- Towards a working description of TK and TCEs:
 - ◆ what are ‘traditional’ knowledge and cultural expressions?
 - ◆ knowledge as such and/or manifestations and expressions of culture – what specific examples are there?
 - ◆ IP focus needed, but not necessarily precise definitions
 - ◆ identifying *protectable* TK and TCEs (criteria for protection)

2. Take decisions on overall policy goals

- Key step for designing legal and practical strategies, mechanisms and measures
- ‘Protection’ vs. ‘preservation/safeguarding’ – is this really about IP protection?
- What are the IP-related goals (one or more of): to prevent access and use? to prevent *unauthorized* use? to enable commercial use? to ensure use on fair terms? to regulate manner of use? to secure attribution?
- ‘Positive’ and/or ‘defensive’ protection

3. Identify who should benefit

- Individuals and/or communities?
- Role of the state?
- Shared cultural expressions – TCEs and TK shared by more than one community, including across state borders
- Tracing ‘origin’ – ‘ownership’ and ‘authenticity’
- Management of rights questions

4. Survey the options – policy, legal and practical

- Options within:
 - ♦ conventional IP systems
 - ♦ non-IP systems
 - ♦ adapted and new IP systems
- Existing IP systems already provide some coverage (especially for TCEs) – are they not effectively used? Should any gaps be filled? If so, how?
- What precisely do you want to protect against – copying? adaptation? use? passing off? derogatory use?
- Choice may be made to establish distinct, new systems of protection – if so, what are some of the key questions to consider?
- Options relating to documentation/databases/registries:
 - ♦ documentation not an end in itself
- Role of customary laws
- Institutional mechanisms
- Which issues should be dealt with at the international, regional and national levels?

5. Coordinate with and contribute to regional and international processes

- International: WIPO IGC, CBD, UNESCO, WTO, FAO
- Regional and inter-regional: SPC, Council of Pacific Arts, PIFS, ACP *et al.*
- FTAs/EPAs

6. Create an effective plan of implementation

- Public awareness campaigns
- Training for legal profession, officials, courts
- Legal aid for claimants
- Appropriate management and enforcement of rights
- Protocols, licences, etc.

Some challenges . . .

- Clarification of the IP dimension – distinctions between ‘IP protection’, ‘preservation’ of ICH and ‘conservation’ of biodiversity
- Tracing ‘origin’ – determining ‘authenticity’ and ‘ownership’ in a derivative culture – regional TK and TCEs
- Definition of scope of protection – what rights and exceptions?
- Management of rights – who owns the rights? who benefits from them?
- Dealing with past and ongoing uses of TK/TCEs
- Compatibility between existing and *sui generis* IP systems – overlapping subject matter
- Actual and effective use of TK/TCE protection systems

III. The international level – WIPO: Norm-building and capacity building

Norm-building – the WIPO Intergovernmental Committee

- Establishment of WIPO Intergovernmental Committee (IGC) in late 2000 and first session in April 2001
 - Member States, other organizations and NGOs
 - participation by indigenous and other local communities: speedy accreditation and WIPO Voluntary Fund
 - current mandate from WIPO General Assembly:
 - ◆ accelerated progress; no outcome excluded including possible development of an international instrument or instruments; focus on ‘international dimension’; no prejudice to work of other forums
 - 13th scheduled for October 2008

Key choices for the IGC

- Strong expectations for an outcome
 - What is the content or substance of the outcome?
 - What is the legal character or nature of the outcome?
 - What is the best procedure to follow to achieve the outcome?

The content or substance of the outcome

- Two related tracks:
 1. Draft provisions for protection of TCEs and TK against misappropriation and misuse (IP-like protection)
 - ◆ *Sui generis* provisions, complementing existing IP protection and standards in other policy areas
 - ◆ Based on extensive comments and experiences of States and communities – TCE provisions draw on Pacific Regional Framework
 - ◆ Not (yet) adopted or agreed, but contributing to national, regional and international processes
 2. Lists of key issues

WIPO’s capacity-building materials and tools

- General awareness-raising
 - case-studies; overviews of options; surveys of national experiences; fact-finding missions
- Facilitate national and regional consultations
 - questionnaires; options papers; international experts
- Legislative advice
 - laws databases; draft laws; advisory missions; comments on draft laws
- Practical tools and materials
 - guidelines for recording and digitizing TCEs; TK documentation toolkit; distance learning course; standards for documenting medicinal knowledge; database of GR contractual terms; patent examination guidelines
 - WIPO’s Creative Heritage Project: Working with Indigenous and local communities and local museums and archives:
 - IP assistance: managing IP options while documenting, recording and digitizing TCEs
- IT assistance: training and technical support for cultural documentation and archiving – cultural documentation and IP course offered by WIPO, American Folklife Centre and Centre for Documentary Studies from 2008



See further: <http://www.wipo.int/tk/en/folklore/culturalheritage/index.html>

Other resources specifically related to the Pacific

- Fact-finding mission report

- Survey of experiences of museums and archives in Australia, Fiji, Papua New Guinea, NZ/Aotearoa, Tonga and Vanuatu – by Malia Talakai, Tonga
- Database of protocols and codes, including from Fiji, Australia, NZ, Vanuatu and PIMA
- See <http://www.wipo.int/tk/en/folklore/culturalheritage/>

IV. Pacific Regional Framework

	Pacific Regional Framework, 2002	WIPO Draft Provisions, 2005
Beneficiaries of protection	Rights vest in ‘traditional owners’ or recognized individuals, in accordance with customary laws and practices	Largely the same; no individual ownership, however
Scope of protection and formalities	Prior and informed consent (PIC) for full range of non-customary uses of all TCEs, including making of derivative works. No formalities. IP rights in derivative works vest in creators, subject to benefit-sharing and moral rights	PIC only for registered TCEs of particular spiritual or cultural significance. Other TCEs receive moral rights only. Registration formality optional for broader PIC protection. IP rights in derivative works vest in creators, subject to above
Management of rights	Strong role for a ‘Cultural Authority’; detailed provisions	Largely the same. PIC may be obtained from community or an ‘Authority’; less detailed

Some suggested priorities . . .

- Model Law
 - Testing and implementation at the national level
 - Development of a truly ‘regional system’ – a test-bed for an international system
 - South-South cooperation
 - Influencing developments at international level – WIPO IGC
- Management of IP at festivals
Protocols, licences, registration of marks; exercise of existing IP rights, testing of *sui generis* rights

Annex 5: Rethinking the Caribbean Festival of Arts (CARIFESTA)

RETHINKING THE CARIBBEAN FESTIVAL OF ARTS (CARIFESTA)

(Document prepared and presented by Hilary Brown, Programme Manager, Culture, CARICOM)

Background

The Caribbean Festival of Arts is a multidisciplinary, roving, mega-event that showcases the cultural expressions of artists in over 30 countries in the Caribbean region. CARIFESTA aims to celebrate diversity and excellence in the arts, to foster a vision of Caribbean unity, and to positively advance Caribbean culture regionally and throughout the diaspora and the world.

The Festival has developed as an important innovation in the regional cultural context and has made a significant contribution to the development of regional identity. The responsibility for staging CARIFESTA has traditionally been shared between the Member States and Associate Member States, the CARICOM Secretariat and the host country. To date, nine CARIFESTAs have been staged in seven countries: Guyana (1972), Jamaica (1976), Cuba (1979), Barbados (1981), Trinidad and Tobago (1992 and 1995), St. Kitts and Nevis (2000), Suriname (2003) and, most recently in 2006, again in Trinidad and Tobago. Preparations are currently being made for the staging of CARIFESTA X in August 2008 in Guyana.

The various aspects of the CARIFESTA programme include a grand market with country booths, cuisine from participating countries, craft and nightly country performances; a youth and children's programme; a focus on indigenous people; visual arts and performing arts; fashion; a film festival; a book fair; symposia and panel discussions; workshops and master classes; community festivals; and super concerts featuring popular acts from the region. Excellence in the arts is recognized through the presentation of 'signal events' within the Festival.

CARIFESTA has made a significant contribution to Caribbean development in terms of upgrading the arts, artists and arts infrastructure, particularly in the host countries. It has had great success in terms of its entertainment value and in exposing the artists of the Caribbean to the creative activities of other regional artists. CARIFESTA has also contributed to the process of cultural and regional integration by strengthening perceptions of Caribbean unity and identity. While there is little doubt that these were significant achievements in the early phases of CARIFESTA, there has emerged much concern since the 1990s about the Festival's efficacy. Each staging of CARIFESTA has demonstrated deficiencies in various areas, including event planning and management, funding and marketing, among others.

Restructuring CARIFESTA: The Strategic Plan (2004)

Arising from a mandate from the Council for Human and Social Development (COHSOD) and consultations with regional stakeholders, CARIFESTA is being restructured in keeping with the Strategic Plan for the festival that was developed in 2004. The Plan was adopted by COHSOD and then by the Twenty-fifth Meeting of the Conference of Heads of Government, held in Grenada, 4–8 July, 2004. Heads of Government of CARICOM, recognizing the key role of CARIFESTA in the development of the region, endorsed COHSOD's new vision for CARIFESTA: *'To position CARIFESTA as a world-renowned, hallmark festival of Caribbean cultural and artistic excellence, that generates economic benefits, unites the Region and excites all peoples.'*

CARIFESTA's new mission statement is: *'To stage a mega multidisciplinary roving Festival that develops Caribbean Arts and Culture.'*

The Strategic Plan describes the long-term mission and vision for the Festival and outlines key objectives, critical success factors, and broad strategies for reinventing CARIFESTA. Against the

background of previous CARIFESTAs, the Plan outlines a future desired position and the path towards achieving this new CARIFESTA.

The New CARIFESTA Model

It has been recognized that there are several aspects to the Festival that need to be better developed and marketed. These include providing more opportunities for professional and artistic development for the region's artists; opening up the Festival for more artists to participate; leveraging the intellectual property value of the Festival through merchandising and negotiating media rights; and measuring the economic impact of the Festival to stimulate more action on the part of policy-makers in the region in support of the creative industries. There is also recognition that the Festival needs to be seen and appreciated by a much wider audience in the region through significantly expanded media coverage.

The new CARIFESTA model seeks to ensure that CARIFESTA is more dynamic and economically viable and meets the expectations of regional and international audiences. A permanent CARIFESTA Board of Directors and a Festival Directorate have been proposed as the new management structure for CARIFESTA. An Interim Festival Directorate (IFD) was established in 2006 as a transitional body to guide the preparation and staging of CARIFESTA until the establishment of the permanent Board of Directors and Festival Directorate. The IFD is comprised of the Chairman of the former CARIFESTA Task Force; representatives of the past, present and future host countries of CARIFESTA; the Chairman of the Regional Cultural Committee (RCC); representatives of the CARICOM Secretariat; a representative of the CARICOM Youth Ambassadors; a representative of countries comprising the Organisation of Eastern Caribbean States; and representatives of the artistic community.

Some of the elements of the new CARIFESTA model were incorporated in CARIFESTA IX, held in Trinidad and Tobago in September 2006. Additional elements will be incorporated in CARIFESTA X in Guyana, scheduled for 22–31 August 2008.

CARIFESTA**SUMMARY OF THE NEW CARIFESTA MODEL**

1. Festival cycle of two years instead of four years;
2. Bidding/proposal process for hosting the Festival;
3. Introduction of a Host Country Agreement to be signed;
4. Festival to be held for a 10-day period, over two weekends;
5. Permanent management structure to be established: Board of Directors, Festival Directorate and Festival Director for strategic direction, policy, branding, promotion and impact evaluation;
6. Develop new revenue streams, especially from intellectual property value: broadcast rights; merchandising of permanent logo and host country logo in a co-branding arrangement; gate receipts, especially from Super Concerts and Signal events; a percentage of host country budget and proceeds to support the permanent management structure;
7. Increase corporate sponsorship in the event;
8. Introduce a network structure which features sub-contracting components of the Festival (book fair, film festival etc.) to specialists to organise (artists, events planners etc.);
9. Open up the Festival to artists beyond government-sponsored delegations - creation of a 'fringe festival'. Associate with complementary events;
10. Place greater emphasis on professional and artistic development of artists and networking;
11. Place greater emphasis on cultural industry development and festival tourism development;
12. Significantly expand advance media coverage and promotion (including live regional broadcasting of the Opening and Closing Ceremonies);
13. Aesthetic differentiation: Rebuild brand identity and image through effective festival management and cutting-edge programming, and develop thematic and niche content to enhance the Festival's competitiveness;
14. Conduct an impact assessment of the Festival to determine the economic, social and cultural impact; and include a media audit and visitor/audience surveys.

CARIFESTA X
GUYANA, August 22–31 2008
PROGRAMME ELEMENTS

- **Opening Ceremony**
- **Closing Ceremony**
- **Culinary Arts**
- **Festival Arts** – Steel Pan, Calypso, Masquerading
- **Literary Arts** – Poetry, Prose, Book Fair
- **Performing Arts** – Music, Dance, Drama/Theatre, Singing, Drumming
- **Visual Arts** – Art Exhibitions (including children), Film Festival
- **Community Festivals**
- **Grand Cultural Market and Trade Fair**
- **Child/Youth Forum**
- **CARIFESTA Calypso Competition**
- **CARIFESTA Chutney Competition**
- **Fashion Focus**
- **Signal Events** – Master performers/performances in the visual and performing arts
- **Super Concerts** – Major Popular Acts
- **Symposia**
- **Activities of the Indigenous Peoples**
- **Workshops and Clinics**
- **Philatelic Arts**

Annex 6: Cultural sensitivity discussion

The representative of Australia proposed a motion to the Council that the Festival Evaluation Working Group consider the inclusion of non-members (e.g. delegations from Taiwan or West Papua), the issue of participation by Pacific Islanders living outside their own countries, and cultural sensitivity. She suggested that the working group could consider the issues in depth, and advise the Council on how to proceed.

The motion was endorsed by the representative of PNG, who further requested that the Council take up the issue during its current meeting. He noted that American Samoa had indicated during the 5th Meeting of the Executive Board (as reflected in the report from that meeting) that it would address the issue of cultural sensitivity during the 21st Meeting of the Council.

The representative of American Samoa said that the Organising Committee had discussed the issue and was very mindful that each delegation was doing its best to represent its respective cultures. She said that the Committee had reflected on the events that took place during the 7th Festival of Pacific Arts (held in Apia, Samoa in 1996); she explained that one performance had involved mimicking sexual intercourse, and was offensive to members of the public. She stressed that in working to avoid such a problem during the 10th Festival, the Organising Committee was not seeking to prohibit any particular activities but hoped instead to reach a solution through mutual understanding. She expressed her hope that delegations would not have to go to 'extremes' to showcase their cultures. She noted that the Committee was seeking to publicise and explain the Festival within American Samoa in order to minimise the possibility that the public might react negatively to bodily exposure (such as topless female dancers) during the event. She noted that American Samoa was very respectful of each culture that would be represented in the Festival, and acknowledged that prior to Western contact Samoans had also dressed differently than they do currently.

The representative of Tonga noted that his country had grave reservations with respect to the issues under discussion. He said that Tonga had not yet hosted the Festival, and that it would be very hard for his people to accept certain types of dances due to the very strict rules governing relationships between males and females who are related to each other. In families, boys and girls live in different houses, while in public men are prohibited from being shirtless. He noted that these and other strict cultural taboos would make it very hard for Tonga to allow some performances to be staged. He said that if Tonga did host the Festival, they might have different performances for men and women. He said that Tongans had yet to resolve these issues among themselves, and would probably not have a firm decision on the issue for some years.

The representative of Tokelau also expressed his grave reservations on the issue and his sympathy for the representative of American Samoa and the Organising Committee. He said that Tokelau's perspective was that the role of delegations is to promote their cultural heritage, but this did not give them the right to undertake offensive acts. He noted that Tokelau also has strict rules and conventions (for example, women cannot wear singlets in public in Tokelau). He noted that he was present during the 7th Festival and was thus aware of what had happened, and said that while he respected the right of each country to showcase their views and culture, he concurred with the remarks by the representative of Tonga and called on members to be sensitive to other cultures.

The representative of Vanuatu expressed his thanks to the representative of American Samoa for her comments concerning revealing dress. He made reference to Vanuatu's great cultural diversity and the differences in customs, dances and traditional costumes. He noted that he remained unsure of what decisions Vanuatu would need to make in order to participate, saying they faced a choice between abiding by precise rules laid down by the Organising Committee and those of their own customary rules and traditions. If a dress code made it impossible for them to use their own costumes, Vanuatu's customs would not be properly represented. He said he had a film and paper with him detailing the costumes their performers would like to wear, and said he wanted to share it with the Organising Committee and have them inform him of what would be allowed. He noted the importance of Vanuatu's customary rules for their dances, which he said had to be followed to remain true to their culture. He also said that it was important for members to respect each other, and that he understood the opinions of his colleagues on the Council. He closed by again offering to show Vanuatu's film to the Organising Committee and work with them to determine how to proceed.

The representative of Wallis and Futuna observed that there appeared to be a difference of opinion between the Polynesian and Melanesian members. She observed that the Festival was aimed at promoting Pacific Island cultures, and suggested that this should be kept in mind before making decisions affecting the delegations and the way in which they express their respective cultures. She noted the great variety of culture in the Pacific, with some elements that are held in common and some that differ significantly. She said that although some Pacific cultures had adopted many Western practices and beliefs hundreds of years earlier, others (e.g. PNG, Vanuatu) retained many of their traditional practices and conventions. She noted that the goal of the Festival was to promote Pacific cultures and said it also provided a means by which to open participants' minds to other cultures and might serve as a means by which to open a true discussion among the countries of the region. She said that the Festival properly aimed to respect each culture, but should not place restrictions on cultures and should instead seek to stimulate openness, understanding and tolerance. She observed that Wallis and Futuna was both a Polynesian and a Christian country but it was nonetheless tolerant of differing cultural expressions, and hoped that the Council could avoid dress codes and instead adopt an approach that helped unify Pacific cultures.

The representative of Nauru recalled that the main aim of the Festival was the preservation of Pacific Island cultures. She said that asking others to adapt to suit one's own needs was somewhat selfish, and suggested that it was important to try to understand and appreciate all Pacific Island cultures. She noted that the modest clothing in some Pacific Island cultures today reflects Western influence rather than indigenous traditions. She noted the need for mutual respect, and reminded members that dancers and performers were not undertaking to annoy or offend.

The representative of Samoa extended his country's apologies to PNG for what happened during the 1996 Festival. He said that his country had continuing reservations about such events, which extended in particular to the exposure of genitals and topless performances. He noted that although Samoans were normally conservative in dress, they did want to showcase their tattooing tradition, which is an important part of their culture. Thus, while they want to limit bodily exposure, they recognise that even some of their own delegates may perform while partially clothed.

The representative of French Polynesia said that his country was still unable to confirm its participation but hoped to do so soon, following consultation with the president and the

council of ministers, and confirmation of funding. He said some criteria might be needed so that all delegations could be informed of what was expected. He noted that if they participated, some dancers from French Polynesia would be topless. He said the dance was not intended to offend, but was simply part of their culture. He observed that French Polynesia could not change their dances, and said if his country were to participate, then American Samoa and other Council members must respect its identity and culture and what it wishes to showcase to the region. He stressed that he meant no disrespect in saying this, emphasising that a spirit of mutual respect was essential and should prevail, and that it was only in that spirit that French Polynesia would be able to participate. He noted the beauty of allowing each culture to participate on its own terms.

The delegate of New Caledonia provided background on the 1996 event that caused the issue of cultural sensitivity to be raised at the 2007 Executive Board meeting in Noumea: in Apia in 1996, an audience member was upset by and interrupted a dance performance. The issue was raised at the 2007 meeting, and during the ensuing discussion the representative of FSM indicated that if a group from their outer islands participated it would be very difficult for FSM to adapt the dances to suit the restrictions proposed by American Samoa. The representative of New Caledonia said his territory's position was rather different, as New Caledonia has lost the tradition of dancing on a daily basis. He noted that long-standing cultural traditions remain part of daily life in some parts of the Pacific, such as Yap, PNG and Vanuatu, and this illustrates the true meaning of the Festival. He noted the Council's prior interest in inviting a group from the Caribbean to attend the Festival, but said that members should first discuss and determine their commonalities and differences before welcoming others. He said that in New Caledonia Christianity had greatly changed traditional culture, and a dance was recently showcased that had been prohibited by the missionaries. He observed that context was important, and that the formerly prohibited dance would not, for example, be showcased on a Sunday adjacent to Noumea's cathedral. He said that the 2007 Executive Board meeting called on Board members to reflect on the issues under discussion and return to the ideas expressed by the Festival founders. He said it was important to be aware of the impact and changes wrought by colonisation and the missionaries, but asked members to focus on the fact that the Festival was taking place in American Samoa and the need to make progress while respecting each other. He said that American Samoa was a partner on the Council and should inform members of what to do.

The representative of New Zealand thanked all the members who had spoken, and made particular reference to the remarks of the representatives of New Caledonia, Wallis and Futuna, French Polynesia and Nauru. She described events that occurred during the 1976 Festival, which was held in Rotorua, New Zealand. The Festival was convened by a senior archdeacon, who demanded that the dancers be issued with white brassieres and that some dances from PNG not be performed. This was upsetting and embarrassing to the delegates, destroyed the Festival's aesthetic qualities, and contravened many of the rules around which the Festival was developed. She noted the sensitivities and painful and poignant realities affecting the lives of all Pacific Islanders, and suggested that the strength of Pacific Islanders stems from their diversity. She then proposed that, just as is done for particularly sensitive art exhibits, informational materials be provided to inform audience members that performances or materials may prove offensive to some, thus protecting both the integrity of the performances and the sensibilities of the audience.

The representative of FSM said that in the islands of Yap State (within FSM), some dance performances are of actual dances relating to navigation. He noted that although these may appear sexual in nature, they are not, and that such an interpretation may result from Western

influences. In Yap, people are commonly topless in public places (e.g. shopping centres), and on one outer island, all students attending school are topless. Dancing topless is therefore normal for them. He said it would be very hard for FSM to exclude or modify the dress of these dancers if they wished to come.

The representative of Australia thanked her fellow Council members for their deliberations, and said the ceremonies of Torres Strait Islanders and Aboriginal people reflect their complex relationships with the land. She observed that they had fought hard to maintain these relationships and that although their land might be appropriated, their culture could not be taken from them. Her people practise their culture to affirm their identity, and have grappled with many issues, and today have many faith communities. Today's living culture practises ceremonies that tell of the relationship between indigenous peoples and the cosmos, and in practising these ceremonies women may be topless or men shirtless. She emphasised that the creation story of Australia's indigenous people is 60,000 years old and would not be sublimated to the 2000-year-old Christian tradition of creation. She said that their cultural identity has been maintained by people of faith who now seek to share their world and their indigenous worldview with others. She suggested that in addition to showcasing culture, it was also important to convey the meaning of stories and dances so that others understand and respect what is being transmitted. She emphasised the importance of having a dialogue about the meaning of different cultures, and also acknowledged that within her own culture some aspects were intended for men or for women, but not for children. She noted that the primary question was how different people could come together and have a cultural exchange without offending anyone.

The representative of PNG observed that the issue of cultural sensitivity at the Festival had been discussed for some years but that little progress had been made. He said that in previous discussions, members appeared comfortable allowing host countries to determine what should or should not be brought to the Festival of Pacific Arts, but asked where the line would ultimately be drawn if restrictions were placed on displays or activities by members. He noted a commitment made by American Samoa to educate its people about the Festival, the likely activities and their meaning, and that the issue was of concern to a number of countries. He supported the proposal by the representative of Australia to have the Festival Working Group discuss and make recommendations to the Council on the issue. He noted that one purpose of the Festival is to showcase the diversity of cultures in the region, and that many PICTs are parties to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and/or support the Declaration on the Rights of Indigenous Peoples. He suggested that the Council explore the proposal made by the representative of New Zealand with respect to providing information to Festival attendees regarding the content or nature of Festival performances. He noted that PNG would be showcasing their existing, contemporary culture and would not seek to offend anyone.

The representative of Tonga clarified that his country would participate in the 10th Festival, but said that the issues under discussion needed to be deliberated further. He repeated that it would be some years before Tonga could host the Festival due to the sensitivity issue. He said his understanding of culture was that it was the way in which a people do things, and that in Tonga their cultural practices were enshrined in law. He suggested the need to distinguish values and ethics, saying that value systems are community-based while ethics are individual. He stressed that when he advised that certain dances would not be accepted in Tonga, the lack of acceptance would come from the community, on the basis of their common values. He asked the Council to allow all members time to work through the issues being discussed.

The representative of Palau asked for clarification regarding any restrictions that might be placed on the visual arts (as distinct from performing arts).

The Chair agreed with members that there was a need for a long-term policy, and commented on the many eloquent statements and heartfelt comments made.

The representative of American Samoa informed the Council that it would place no restrictions on forms of expression or dress by Festival delegations, but requested members to be sensitive to the culture and sensibilities of the American Samoan people. She explained that, as promised during the 5th Meeting of the Executive Board in Noumea in 2007, the Organising Committee had undertaken to inform the community about the purpose and content of the Festival – a process that was ongoing.

Annex 7: Report on the advancement of culture in the Cook Islands

COOK ISLANDS

(Paper written by Mr Makiuti Tongia, Secretary of the Ministry of Cultural Development)

UPDATE ON INSTITUTIONAL FRAMEWORK

The Ministry of Cultural Development has been in existence since the early 1970s. In 1972, the Premier of the day the late Albert Henry established a division of Tumu Korero within the Ministry of Internal Affairs. Later the division was renamed Culture Division with a focus on oral traditions, carving and performing arts. In 1978 a Tumu Korero (Oral History) & Anthropology Division was established. Then in 1990 the new Ministry of Cultural Development, or Tauranga Vananga in vernacular, was established.

The Ministry is currently founded on an act of parliament passed in 1990 No 7 that provides the legal framework for her existence. In addition the ministry is also the implementing agency to five other legislations – Cultural and Historic Places Act 1994/95 for our heritage and anthropology division, Public Records Act 1984 for the national archives, Antiquities and Artefacts Act 1994 for the national museum and the Reo Maori Act 2003 for our Maori languages and dialects. The ministry headquarters is on Rarotonga and has official links with the 11 inhabited outer islands through the local government called the Island Councils and central government representatives called the Island Secretary. We liaise closely with these two bodies for our cultural mapping and other field work projects. We have a full time staff of 21 spread over 10 divisions and four outputs. The divisions are:

- Finance
- Property
- Audio Visual
- Marketing
- Heritage
- Museum
- Library
- Performing Arts
- Reo and Creative Arts Industries Development
- Archives

The 4 outputs are:

- i) Training & Operations
- ii) Publications & Information
- iii) Productions & Events
- iv) Creative Arts Development and Reo

The outputs highlight the direction the ministry is taking for the next two years 2008/09. Our budget for 2007/08 is just over NZ\$700,000. Our trading revenue from print and digital products was over \$200,000 for the 2006/07 budget. We expect to improve on our trading revenue this year based on our digital products and services. We believe that we are on target for trading revenue of \$300,000 by 2009.

Activities for the 2006–2008 include our four major events held annually called the **Maeva Nui** held in late July to early August, **Mire Tarai** or carving festival in late October, **Mire Tiare** festival which is a beauty pageant for our girls from ages 15 to 17, in November, **Mire ‘Atu** composers festival in

February and the **Mire Kapa** festival of dancers of the year for 5 categories in April. In addition we have the annual quilt exhibition by the Quilt Association in November, followed by the international food festival organised by the tourist board.

SYNOPSIS OF OBSTACLES

a) Training

The ministry is about the staff, and staff can only be effective and efficient when their skill levels are appropriate and when they are enjoying their work. Training in relevant and appropriate areas is a key focus for the ministry. We look forward to short term courses preferably on site in the areas of filming, DVD and CD productions, digital conversion of video tapes in the archives, print publications using Adobe Design 3, cultural mapping and a basic certificate level course in Pacific languages at the Vanuatu campus of Pacific language, and performing arts courses for our traditional composers and choreographers.

b) Hardware

The ministry has inherited aging computer hardware that needs updating in terms of their programmes and mother boards. We need urgent assistance in refresher courses on filming and sound technicians, video editing and computer technicians to fix our aging computers and programmes.

c) Print publication funds

The local cost of printing books, postcards, posters and calendars is very high compared to costs around the region and in Asia. The ministry is looking forward to linking with cheaper regional printers and to sourcing external publication funds.

d) Production hardware

Turnaround time for digital productions from filming to retail is certainly faster than print productions. Productions also provide both pictures and sounds for our clients. Digital products are easy to carry in the field and a useful teaching tool for staff and for our people. Most people have the machines to play the latest DVD and CD products and are attracted to it as a tool to inform, educate and entertain.

SYNOPSIS OF STRATEGIES TO COUNTER OBSTACLES

We should link in with regional and international organisations that have the staff and hardware to provide basic training on site. We have made some progress in terms of the museum, archives and library staff. We look to the audio visual productions division as the way out for some of our creative industries to build on their job creation and wealth creation abilities. We are looking at cultural economic opportunities and strategies for incubating future investments into our own Maori culture and business.

LEGISLATIVE MATTERS

There are no plans for law reforms yet though there are plans to pass the Copyright Bill, Intellectual Property Bill and Traditional Knowledge Bill this year. The ministry will be the implementing agency for all three bills.

MATTERS FOR DISCUSSION

The ministry needs urgent technical assistance in skilled personnel from regional organisations in the areas of laws, copyrights, filming, production making, publishing, digital video editing, etc.

LISTING OF CULTURAL ASSOCIATIONS, INCLUDING CREATIVE ARTS:

- Cook Islands Creative Arts Society
- Cook Islands Library and Museum Society
- Cook Islands Associations of NGOs
- Takitumu Dance Association
- Puaikura Cultural Association
- Avarua Culture Group
- Nikao Culture Group
- Atiu Culture Group

Basically every 12 inhabited island has a cultural group for the island and a cultural group for the village. Thus the islands are as follows:

- Manihiki – one island cultural group and two village cultural groups
 - Rakahanga – same as above
 - Penrhyn – same
 - Pukapuka – 1 island group and 3 village groups
 - Nassau – combines with above
 - Atiu – 1 island group and 5 village groups
 - Mitiaro – 1 island group and 4 villages
 - Mauke – 1 island group and 3 villages
 - Aitutaki – 1 island group and 7 villages
 - Mangaia – 1 island group and 6 villages
 - Palmerston – 1 island and three patriarchal families
 - Rarotonga – 3 vaka or district groups and 11 villages
-

Annex 8: Report on the advancement of culture in the Fiji Islands

THE GOVERNMENT OF THE REPUBLIC OF FIJI ISLANDS

*(Paper prepared by Adi Meretui Ratunabuabua, Principal Cultural Development Officer,
Ministry of Education, National Heritage, Culture and Arts)*

1. UPDATE ON INSTITUTIONAL FRAMEWORK

Institutional framework

The national coordinating body responsible for culture and heritage policy and legislative development in Fiji is a government department established by cabinet in 1999 named the Department of Culture and Heritage. The Department has moved through various Ministries; in January 2008 it moved from the Ministry of Fijian Affairs to the Ministry of Education, National Heritage, Culture and Arts.

The Department administers an annual grant and an annual memorandum of understanding to its three flagship implementation agencies, who report to the Minister responsible for Culture: the Fiji Museum, a statutory organisation reporting to its council; the National Trust of Fiji, reporting to a council; and the Fiji Arts Council, a non-profit charitable organisation reporting to its council.

Apart from the Ministry of Education, National Heritage, Culture and Arts, the other significant bodies in the Culture sector are the Institute of Fijian Language and Culture, responsible for mapping indigenous Fijian culture under the Ministry of Indigenous Affairs, the Department of Multi-Ethnic Affairs; the National Archives, which is housed under the Ministry of Information; and the Library Services of Fiji, which reports to the Ministry of Education. The Fiji Audio Visual Commission is a statutory body reporting to the Minister responsible for trade and commerce.

Financial support

Main budgetary funds received from the Government to the Ministry for Education, National Heritage, Culture and Arts in 2008 was F\$1,285,800 for policy and personnel and operations. Special grants were received in 2008 for listing of Levuka as a World Heritage Site F\$300,000 and for Fiji's participation in the Pacific Arts Festival \$300,000. Other funding support is received from UNESCO funds in Trust, Fijian Trust Fund.

2. CULTURAL ACTIVITIES FOR 2006–2008

Cultural heritage

- Progressing the nomination for listing of Levuka as Fiji's first World Heritage site.
- Implementing the Fiji World Heritage Action Plan and the Regional Pacific WH Action Plan 2006–2009.
- Representation in New Zealand for World Heritage Committee meetings.
- Strengthening PIMA and ICOMOS Pasifika secretariat, initiatives and boards; securing Participatory Project Funds for PIMA/ICOMOS Pasifika secretariat.
- Progressing work on a Heritage in Young Hands teachers guide.
- Advisory to the University of the South Pacific and University of Fiji to have archaeology and anthropology courses taught in their institutions and the strengthening of the creative and expressive arts courses to align if possible with national accreditation systems.

Cultural/creative industries

- In 2006 Fiji successfully hosted the regional Melanesian Arts Festival, held in Suva.
- Attended the ACP Festival of Arts and securing funds for the Cultural Industries Development pilot project for music, book publishing and audiovisual development.
- Hosted the regional UNESCO intangible heritage convention workshop in December 2007.
- National Projects established to develop a label of authenticity; establishing a Living Human Treasures system in Fiji.
- In 2008 the Archives will be establishing a Memory of the World significant documentation system for Fiji.
- Progressed Cultural Mapping and Awareness Raising to communities in 4 provinces (Namosi, Serua, Rewa and Tailevu) to date linked to proposed legislation for the protection of traditional knowledge and expressions of culture.
- Launch of the first Fijian monolingual dictionary.
- Recognition and strengthening Language Policy implementation to have Fijian and Hindustani compulsory and taught in schools.
- Establishing Fiji's first National Art Gallery.
- Also involved in the UN Decade of Education for Sustainable Development regional action plan linked to the small island developing states Mauritius Plan of Action.

Mainstreaming culture

Ministerial changes have seen a move from a focus on indigenous development to an education focus. The Ministry plays an advisory role to the Training and Productivity Authority of Fiji and Technical Vocational Educational and Training to have accreditation of the arts recognised for community and creative producers as trainers, as well as having the teaching of local languages recognised and taught in primary and secondary schools. Having input into the National Women's Plan of Action and the Tourism and Environment Master Plan for Fiji. Developing best practices for a Green Fiji accreditation system.

3. SYNOPSIS OF OBSTACLES

There is much work to be done for the sector but work is hindered by limited human resource development and capacity for the sector together with ongoing funding constraints. Lack of statistics for the sector is needed to inform decision-makers in the national planning sector.

4. STRATEGIES TO COUNTER OBSTACLES

A workplace situation analysis with statistics is to commence with the national planning office and TVET with the Ministry of Education. Scholarship placements have been secured by main scholarship providers but a better exit strategy and follow-up with statistics is needed and linked to the regional initiatives.

5. AREAS OF SIGNIFICANT PROGRESS/ACHIEVEMENTS

Significant increase in funding allocation for projects in 2008, with the recognition from government to have a National Art Gallery established in the capital city, Suva. Funds secured for the first time to progress World Heritage listing and the appointment of a qualified Director for Fiji Arts Council to develop a strategic plan for the arts sector.

6. UPDATE ON ADVANCEMENT OF CULTURAL POLICY

Proposals to advance the draft cultural policy await funding to commence stakeholder participation at the national level. Advances on a World Heritage policy for Fiji has commenced. Legislation for the protection of cultural expression is on its seventh draft and almost complete.

7. LEGISLATIVE MATTERS

Progress is now focused towards heritage protection, particularly as a requirement for World Heritage for sites of national significance. Further work on the arts sector will depend on the arts strategic plan priorities that are identified. Traditional Knowledge legislation is planned to be completed by this year with assistance of the Forum Secretariat and WIPO.

8. MATTERS OF DISCUSSION

Participation of countries in the Pacific Arts Festival should be free from political agendas.

9. LISTING OF CULTURAL ASSOCIATIONS

Fiji Museum
National Trust
Fiji Arts Council
CreatiViti, Nadi

Annex 9: Report on the advancement of culture in the Federated States of Micronesia

FEDERATED STATES OF MICRONESIA

*(Paper written by Osaia Santos, National Youth Coordinator, Social Affairs,
Department of Health and Social Affairs, FSM Government)*

INTRODUCTION

The FSM National Government was inaugurated on 10 May 1979. A unicameral Congress is elected by popular vote and from among its 14 members, the Congress elects a President and Vice President. The Government is divided into three branches: the Executive branch under the President; the Congress, consisting of fourteen congressional members – 6 from Chuuk, 4 from Pohnpei, 2 from Yap and 2 from Kosrae; and the Judicial branch, consisting of the FSM Supreme Court, headed by a Supreme Court Chief Justice.

Each of the 4 states has a popularly elected Governor and Legislatures. The administrative structure of government is repeated at state level with executive, legislative and judicial branches, although the exact department names sometimes vary from state to state. The traditional leaders have a role in the executive branch of the government, particularly in Pohnpei and Yap. The loyalties of the people are still under the cultural social structure, which include the presence of the traditional leaders. In Pohnpei tribute to Nahmwariki (Paramount Chief) and other ceremonies continue to take place. In the state of Pohnpei and Yap state occasions, the traditional leaders are being recognized before the state's head of government and a special place of equal honor must be designated for the traditional leaders. However, the national government is flexible if traditional leaders presence but more adopted to the American protocol practices, which still requires that the Head of State or the President is the highest honor and the seating as well.

Traditional extended family and matrilineal clan systems continue to be part of the strong culture. Although a common country, the people from the 4 main islands make a culturally diverse population. The culture diversity is typified by the existence of eight major indigenous languages.

LEADERSHIP

In Yap state there are 2 Councils of Chiefs, referred to as the Council of Pilung (Yap proper) and the Council of Tumol (outer islands). In Yap, the Paramount Chiefs control politics, families, and relationships between villages, including prosperities and lands. The Paramount Chiefs are the descendants of the ruling families and it passed down from father to son (paternal system).

In Pohnpei, the traditional leaders of Pohnpei are referred to as Nahmwariki and Nahnken (Paramount Chiefs). Nahmwariki and Nahnken are descendants of the majority ruling clans and it passed down through women's clan to son (maternal system). There are 5 Nahmwariki and Nahnken in Pohnpei Island and 3 in the outer islands. The Nahmwariki have a spiritual role and ensure peace among clans and people and equal distribution of resources and goods among all their people.

This should help in explaining the states and national positions in the social context of our society as it relates to our living culture on these islands. To assist us in our social advancement a law has recently been passed in the National Congress creating a cabinet member post to assist in archiving, culture and historic preservation in the National Government (Office of Archives, Culture and Historic Preservation). We look forward for hope that we maintain what we have today while advancing through changes of time.

NATIONAL CONTEXT

- a) ***Economic strategy:*** Focus on activities recognized as providing long-run growth potential and comparative advantage of FSM commercial agriculture, marine and fisheries and tourism. Special focus on strengthening public sector reform efforts, speeding up private sector development, and improving efficiency of land use and human resources.
- b) ***Sustainable development:*** Strengthen environmental planning, accounting for non-renewable resources depletion, participatory community planning, preservation and revitalization of the unique and diverse cultures of the FSM.
- c) ***Education:*** The FSM educational system recognizes its shared participation with parents, extended family, and broader social structures in the intellectual, emotional, physical and social development of children. It delivers a quality, sustainable basic education system which provides all students with basic skills, and personal qualities; provides the manpower needs of the nation; develops a literate population based on the revitalization of local languages and cultures while ensuring high competence in English and other languages; and collaborates with all sectors of the government and community to fully utilize available human and financial resources in development. ‘Its basic strategy is to develop the basic skills, thinking skills and personal qualities needed for individual and group economic and social development and to promote the languages, values, attitudes and beliefs which make Micronesians unique as a people.’

A good example is the FSM National Youth Policy 2004–2010, which indicates the following:

- Encourage ongoing learning through non-formal and informal education
- Strengthen and foster physical, mental, and emotional well-being of young people
- Encourage active participation of young people in economic development
- Promote respect and appreciation for cultural heritage through strengthening initiatives relating to performing arts, crafts, traditions and language
- Nurture national pride and maintain a spirit of cooperation and partnership among young people
- Promote awareness programs on the conservation and protection of the environment
- Protect the rights of juveniles
- Strengthen the capacity and effectiveness of youth organizations

UPDATE ON INSTITUTIONAL FRAMEWORK

- a) **Governmental and non-governmental**
The Executive branch under the President is responsible for coordinating cultural programs among the states of the FSM. However, the portfolio for the Council of Pacific Arts and Festival of Pacific Arts is still coordinated with the states by Social Affairs under the Department of Health and Social Affairs. It is now in close partnership with the newly established Office of Archives, Culture and Historic Preservation. Although the Department of Health and Social Affairs is responsible for coordinating states’ participation in the festival and other activities, states are still autonomous in their own ways of doing their own activities and running their own Cultural Day programs. There is no national NGO for culture but there are in the states and it varies from state to state.
- b) **Financial support (working budget)**
There is no budget existing in the National Government committed to bringing participants to the festival but in the past it was appropriated by national congress and state legislatures and/or re-program of funds to bring participants to the festival.

c) Activities for 2006–2008 in:

i) Cultural heritage

Each state has their own listing but in Pohnpei the listing includes ‘Nanmadol’ ruins.

ii) Cultural/creative industries

- handicrafts, etc. and traditional houses
- mat making, etc.
- canoe making
- grass-skirts and traditional dresses, etc,
- black pearl shell ornaments, combs, earrings, etc.
- weaving of hats
- leis for necks and heads, etc.

iii) Mainstreaming culture

In most of the islands in Micronesia, it is still a living culture. Tourism very much influences maintaining some activities for preservations of culture today, which include handicrafts, canoes, traditional mats, grass-skirts, hats, leis and other performing arts. An example: if you visit some of the islands you would require wearing traditional dress on that particular island.

SYNOPSIS OF OBSTACLES

a) Lack of funding

- Has yet to be considered one of the state governments’ priorities since it is part of the social structure existing in most islands.
- Organizational structure is lacking in the states to deal with this preparation.

b) Synopsis of strategies to counter obstacles

- Raise local funding (fundraising and local government support).
- Increase promotions on the local TV channels and through national Youth & Sport Offices and State Historic Preservation Offices in the states.
- Initiated a local committee of members from within the national government and also Pohnpei State in the preparation of the participants’ cost to take part in the festival.

AREAS OF SIGNIFICANT PROGRESS/ACHIEVEMENTS

Support has started:

- Governor of Pohnpei has come out supporting a group called Pacific Cultural Center to take part in the festival (Governor as member of the group).
- An endorsement letter by the Governor of Pohnpei was sent to the President for funds to be considered in the upcoming Congress Session.
- The newly established by law cabinet position Office of the National Archives, Culture and Historic Preservation is behind raising funds from both the states and national government for participants.

UPDATE ON ADVANCEMENT OF CULTURAL POLICY

- Under tourism and education.
- National Office is basically a coordinating office for states’ activities.

LEGISLATIVE MATTERS (LAW REFORM)

The newly established Office of Archives, Culture and Historic Preservation. Dr. Mauricio as the Secretary.

MATTERS FOR DISCUSSION

In the past, it is common that the state governments supported small organized groups and cultural day. NGOs raised funds from fundraising and local revenue in sending their delegation to take part in the Festival of Pacific Arts. The national government's function is to coordinate and collaborate with agencies to support travel and other arrangements as requested by the states.

LISTING OF CULTURAL ASSOCIATIONS, INCLUDING CREATIVE ARTS

- *Pacific Cultural Center Incorporated*, Moakot-Kitti, Pohnpei FM 96941
- *Net Cultural Center Incorporated*, Net, Pohnpei FM 96941

Listings here are from Pohnpei but there are also listings of cultural NGOs in Yap, Chuuk and Kosrae but not known to the national at this time.

Annex 10: Report on the advancement of culture in Guam

GUAM

(Paper written by Sylvia M. Flores, Acting President, Department of Chamorro Affairs)

1. UPDATE ON INSTITUTIONAL FRAMEWORK

The Department of Chamorro Affairs is a non-profit public corporation governed by a nine-member Board of Trustees appointed by the Governor of Guam. The Board is comprised of experts in the field of business, history or archeology, tourism, economics or finance, Chamorro language, culture and arts. The corporation's mandates are to develop, plan and implement strategies and programs that perpetuate, preserve, protect and promote the Chamorro culture.

Financial support

The Department of Chamorro Affairs received an appropriation of \$839,773 from the Guam Legislature for FY 2008, which covers personnel and operations.

2. ACTIVITIES FOR 2006–2008 IN:

a) Cultural heritage

The Department of Chamorro Affairs in collaboration with other government agencies and supported by the business community plans and executes annual activities and events that promote and perpetuate the culture, such as Silibrasion Chamorro (Celebrate Chamorro), Guam Micronesia Island Fair and the Arts and Humanities Month Celebration. To augment these activities, practitioners of the traditional arts teach and demonstrate the art form they are recognized for and excel in at the schools and in the community throughout the year.

b) Cultural/creative industries

Cultural/creative industries on Guam are at a minimum. The Historic Inalajan Foundation operates Gef Pa'go Cultural Village, a place where visitors can witness first-hand traditional folk art demonstrations under thatched huts. The Chamorro Village in Hagåtña is a venue where local entrepreneurs, artists and craftsmen can participate in the economic activity of the island, and concurrently, help preserve the culture through the marketing and promotion of local talent and craftsmanship.

The Department of Chamorro Affairs is committed to perpetuating cultural heritage while simultaneously creating innovative and economic opportunities for artists through a cottage arts industries program. Preservation and promotion of traditional art forms remain a priority; however, creativity and entrepreneurship are also encouraged. The Department of Chamorro Affairs plans to implement a program where artists are mentored in business planning and taught how to effectively market and sell their products.

c) Mainstreaming culture

The Department of Chamorro Affairs in collaboration with the Chamorro Studies and Special Projects Division of the Guam Public School System provides and implements educational programs to elementary and secondary level students that revive and maintain the language and culture of the indigenous people of Guam. Guam history and Chamorro language and culture are taught at the university level. Plans are being made to add Chamorro Studies as a degreed program at the University of Guam. Cultural language immersion programs in after school and summer programs are evolving.

3. SYNOPSIS OF OBSTACLES

Guam is a cosmopolitan community, a melting pot of different ethnicities that reflect the multifaceted cultures that have made Guam their home. Due to hundreds of years of colonialism and the influx of these different groups, the Chamorro language and culture were suppressed. The Chamorros, the indigenous people of Guam, struggle to retain their sense of cultural identity and language.

The anticipated influx of approximately 8,000 marines from Okinawa, their dependants and 9,000 support staff, the impact of this migration raises great concern in our island community. Lack of funding to implement outreach programs to educate the military and visitors, along with the absence of a national museum, are major issues.

4. SYNOPSIS OF STRATEGIES TO COUNTER OBSTACLES

In response to these obstacles and in anticipation of the military build-up in Guam, a social and cultural committee was established. The committee, spearheaded by the Department of Chamorro Affairs and in collaboration with other government agencies including the Guam Council on the Arts and Humanities Agency, Guam Visitors Bureau, University of Guam, Guam Public School System and cultural experts and organizations, is aggressively addressing the issue.

The group's mission is to promote camaraderie and to implement outreach programs that orientate and educate the military and our visitors, to give the military community and visitors a 'sense of place' of what Guam is truly about, her people and their culture and what makes us unique. Other goals are to better integrate the military and local community and encourage cultural exchanges, as well as provide opportunities to foster and promote Guam's culture through visual demonstrations and performances.

The Guam Museum Task Force was created to bring the Guam Museum of Culture, Art and History to fruition.

5. AREAS OF SIGNIFICANT PROGRESS/ACHIEVEMENTS

The growing need to learn more about the language, traditional art forms and seafaring traditions has raised an awareness and appreciation of Chamorro values and culture in our island community. A sense of cultural heritage and pride is evident in the artwork created, performances and daily lives of our island residents.

6. UPDATE ON ADVANCEMENT OF CULTURAL POLICY

The Department of Chamorro Affairs understands the need to protect cultural expressions and traditional knowledge, and to acknowledge that what is being portrayed is a genuine representation of the Chamorro culture. The authentication and standard guidelines set forth by the Department of Chamorro Affairs must be implemented and enforced.

7. LEGISLATIVE MATTERS

Mandates of the Department of Chamorro Affairs need to be reviewed and updated to meet the department's current needs.

8. MATTERS OF DISCUSSION

Meetings of the Council of the Pacific Arts should be scheduled on a semi-annual or yearly basis instead of every two years. The increase of the meetings will allow members to address and act on issues that are brought up before the council.

9. LISTING OF CULTURAL ASSOCIATIONS, INCLUDING CREATIVE ARTS

- Pa'a Taotao Tano
 - Artists Association of Micronesia & Guam
 - Hurao, Inc.
 - Inadahen I Lina'la Kotturan Chamoru, Inc. (Guardians of the Life of the Chamorro Culture)
 - TASI (Traditions About Seafaring Islands)
 - Chamorro Artists Association
-

Annex 11: Report on the advancement of culture in Kiribati

KIRIBATI

*(Paper written by Tekautu Ioane, Senior Cultural Affairs Officer,
Cultural Affairs Division of Ministry of Internal and Social Affairs)*

1. UPDATE ON INSTITUTIONAL FRAMEWORK

a) Governmental and non-governmental

The freedom of association and expression under our Kiribati Constitution forms the base of our institutional framework for associations affiliated under government ministries and non-governmental institutions (NGOs).

Non-governmental institutions and associations must comply with the requirements stated under the Incorporated Act in order to be recognized and to carry out their functions.

Island Councils are also required under the law to provide registration for their cultural associations under the jurisdiction of their Island Council bylaws.

The Cultural Affairs Division of the Ministry of Internal and Social Affairs (MISA) is the Government institution to preserve, protect and promote the aspects of Kiribati culture, including cultural heritages and national identity.

The overall function and obligation of existing non-governmental cultural associations were related to the preservation and promotion of cultural products and services to the public in unfilled areas.

b) Financial support (working budget)

The annual working budget of the Division of Culture accumulated to the sum of AUD 125,537, which made up 4.9% of the total MISA (Ministry) budget and contributed to 0.04% of the National Annual Budget.

2. ACTIVITIES FOR 2006–2008

a) Cultural heritage

- The continuous digitalization and documentation of cultural heritage sites on video and Global Positioning System (GPS) for 3–4 islands every year.
- The continuous teaching of cultural heritage issues among government and religious schools through environmental and Kiribati studies curriculums.
- Times, days or even weeks reserved by some schools on South Tarawa (capital) for students to revitalize their cultural heritage through dancing competitions, drama and other cultural activities.
- An initiative from the division to propose for the National Cultural Day to be observed nationwide.

b) Cultural/creative industries

- The continuous small-scale production of basic handicrafts by women's associations, clubs and individuals.
- Workshop and training organized on making jewellery and body ornaments from pearl shells (SPC and national partners).
- Production of cultural video and music through home and commercial entities.

c) Mainstreaming culture

- Maintaining and preserving culture through daily activities within family and community traditional systems. Knowledge-based and skills training are still and remain the most practical means of sustaining culture in outer islands.
- Cultural programs in primary and secondary schools throughout educational curriculums.
- National cultural events and festivals including social programs.
- The supply and demand market for handicrafts and other cultural services.

3. SYNOPSIS OF OBSTACLES

- Isolated and small market for cultural products and services exchanged.
- Unregulated nature of the market.
- Quality and quantity of products need to be improved.
- Lack of regional and international markets and networks.

4. SYNOPSIS OF STRATEGIES TO COUNTER OBSTACLES

- Need for National Cultural Policy and legislation to be developed, implemented and enforced, monitored and evaluated for continuous appropriateness.
- Identify and provide means of filling skills gaps in the cultural/creative industries market.
- Provide suitable environment for implementation (market, network and others).
- Provide mechanism for continuous improvement.

5. AREAS OF SIGNIFICANT PROGRESS/ACHIEVEMENTS

- The compulsory learning of Kiribati and English languages at primary and secondary schools.
- Kiribati studies as part of National School Certificates.
- Cultural Days and events coordinated by primary and secondary schools.
- Revitalization of traditional knowledge and skill training programs organized by the National Cultural Centre and Museum.
- Competitions on traditional dancing, games and other aspects of culture during National Independence Day.
- Local handicrafts, creative arts and cultural services exchange in the tourism industry.

6. UPDATE ON ADVANCEMENT OF CULTURAL POLICY

- Cultural Policy needs to be drafted and conformed to Cultural Conventions Articles and national laws.
- Need to secure funding for technical assistance and legal advisers to develop this need.
- The anticipated final version to be approved by cabinet for implementation.
- The time frame for drafting to cabinet approval should be before next budget meeting in order to be implemented in 2009.

7. LEGISLATIVE MATTERS (LAW REFORM)

Technical assistance and legal advisers required to see the smooth transition of updated policy into legislation.

8. MATTERS FOR DISCUSSION

- Question on SPC and partners' areas and form of assistance to island nations?
- Means and ways of tapping SPC and partners' assistance.

9. LISTING OF CULTURAL ASSOCIATIONS, INCLUDING CREATIVE ARTS

- Te Rikia Ni Kiribati
- Te Keang Ni Marawa Cultural Association
- Te Rotauea Cultural Association
- Te Ie ni Kiribati Cultural Association
- Te Ititin Kiribati Cultural Association
- Te Banaba Cultural Association

- Primary schools cultural associations
- Junior secondary cultural associations
- Secondary and high school cultural associations
- Religious cultural associations
- Village cultural associations

Creative Arts

- Artists Association
- Handicrafts associations
- Small-scale industrial and homemade production (garments)
- Video and music recording studios
- NGO associations and business with creative arts commercialization

Outside the country

- USP Student Cultural Association
 - Community Cultural Association and others
-

Annex 12: Report on the advancement of culture in Norfolk Island

THE GOVERNMENT OF NORFOLK ISLAND

(Paper prepared by André Nobbs, Chief Minister of Norfolk Island, and presented to the Council by Ms Alison Ryves, President of the Community Arts Society of Norfolk Island)

1. INSTITUTIONAL FRAMEWORK

a) Government

Norfolk Island is a small jurisdiction with a population of just under 2,000. As such, it does not have a government department dedicated to arts and culture. However, it operates the Norfolk Island Museum with several open display sites in restored convict-era buildings, a café/bookshop and twice-weekly historic play. Annual cash flow is approx \$A280,000 with an annual subsidy from government of about \$80,000. The government also jointly administers with the Commonwealth the Kingston and Arthur's Vale Historic Area, which includes the majority of the convict heritage sites, and contributes around \$300,000 per year to upkeep of the area. The government also has a small fund for assistance to arts projects which totals \$5,000 in 2007/08 but will more than double in 2008/09.

b) Non-government

There are a number of active non-government arts groups. The two most significant are:

- The Community Arts Society of Norfolk Island

The Community Arts Society of Norfolk Island is a volunteer organisation which was founded in 1974 to foster and encourage the arts and culture of Norfolk Island. It has a very busy schedule with annual events, concerts, exhibitions and festivals. It also runs workshops with visiting and local artists in both visual and performing arts which are very well attended. The Community Arts Society is the body that organizes the Norfolk Island delegations that attend the Festival of Pacific Arts. Seventy-five per cent of all monies raised at events go toward the costs associated with sending its delegation to the festival. Through songwriting contests and poetry events it encourages islanders to write in the Norfolk language. Its latest annual event, which has run for three years, is a Wearable Art Extravaganza, which showcases the creativity and imagination of the people of Norfolk Island. Some of the entries from the 2008 show will be included in Norfolk's segment of the Fashion Parade at the 10th festival.

- The Cultural Development Association of Norfolk Island

Formed in early 2007, the Cultural Development Association of Norfolk Island (CDANI) has the aim of fostering the arts and unique culture of Norfolk Island through the building of a Culture Centre. This centre should facilitate cultural practices on the island by providing the necessary amenities as well as helping visitors to the island to a better understanding of local culture. It should also house research and language study facilities. In the year that CDANI has been in operation, they have attended a conference in Sydney (supported by the Norfolk Government and hosted by PIMA and the Australian Museum), had a continuing dialogue with Australian funding bodies, the NI Government and the Norfolk people through a series of public meetings, and embarked on the first of many steps drawing them closer to the building of a centre. The year 2008 should see the completion of funding applications, enlarging of their financial membership scheme, and finalising of land to build the centre.

2. ACTIVITIES FOR 2006–2008

a) Cultural heritage

Many of the activities for 2006–08 are mentioned above. Norfolk Island's economy depends heavily on cultural, heritage and experience tourism, so these aspects are reflected in events and experiences repeated constantly throughout the year, such as tours, museum displays, art galleries and re-enactments. In many ways, this means that traditional culture is already mainstreamed, since it forms an integral part of the daily activities and incomes of many residents. Some annual events are key parts of the cultural tradition, including Bounty Day and Foundation Day, while the annual Royal Show in part celebrates Norfolk culture and language.

In the Sesquicentenary Year of 2006, the Museum ran eleven consecutive public exhibitions (each for around a month) on aspects of Norfolk Island life and culture, which were very popular. Exhibition subjects included family treasures/artefacts, education, religion/belief, community groups and political history, among others. Norfolk Island arts and artists have promoted our culture and artistic endeavours on the world stage in areas including creative arts, songwriting, performing arts, drama, literature and poetry.

b) Cultural/creative activities and industries

There are a large number of annual events, including:

- Art in the Park
- Poetry in the Park
- annual art show
- Wearable Art Extravaganza.

Other regular events with an arts/language/music focus are aimed at a mixed local and tourist market. These include:

- Opera in the Ruins
- Country Music Festival
- Jazz in the Pines
- Theatre festivals
- Writers' festivals
- Dance festivals
- Multicultural Festival.

3. OBSTACLES AND OVERCOMING THEM

Norfolk Island has overcome many obstacles, including limited financial resources, by forming stronger links with our Pacific neighbours to enable cultural interchange. We have a very creative and active arts and culture community and are only limited by our own imaginations. That said, we will continue to promote the activities listed in this report, and plan a substantial increase in our 2008/09 budget for small grants to art and culture. We will also provide as much assistance in kind as possible toward the cultural centre and the Community Arts friendship community art exhibition in Mosman (NSW) later this year.

4. SIGNIFICANT PROGRESS AND ADVANCEMENT OF POLICY

A major breakthrough was achieved in 2007, when UNESCO recognised the Norfolk language for inclusion in its Atlas of the World's Languages in Danger of Disappearing. This followed the passage of the Norfolk Island Language (Norf'k) Act 2004, which established Norfolk as one of the official languages of Norfolk Island. Norfolk is now taught at the Norfolk Island Central School and the government plans a range of activities to promote the use of the language, commencing from Bounty Day in June 2008.

Norfolk Island participated in the Cultural Ministers Council in Canberra in February 2008, following which it will seek to be an active participant in the Collections Council programme for sharing of access to significant artworks.

5. LEGISLATIVE MATTERS

Norfolk Island does not have any current plans for new legislation relating to arts or culture.

Annex 13: Report on the advancement of culture in Palau

REPUBLIC OF PALAU

1. INTRODUCTION

In the pre-contact era, Palauans believed Palau to be a unique and complete world closed within itself and extending to a point just beyond the horizon. To the early Palauans, the culture of Palau was created in Palau. It was not a borrowed set of practices but a distinctly Palauan way of life. Change in Palau has been a story of resistance followed by pragmatic acceptance. Resistance resulted from the tenacity of the indigenous view of Palau as a unique and complete world. However, the opportunities for social power, prestige, and wealth brought by foreigners influenced acceptance by the naturally competitive Palauans.

Palauans are highly group oriented and Palauan culture and traditions are based largely on family, clan and community organizations, protocols and affiliations. Palauans consider underlying core values and ethics such as respect (*omengull*), sharing and reciprocity (*klaingeseu*), hard work and perseverance (*duchel reng*), and conservation (*omengereomel*) to be essential, even and especially in today's changing national and global circumstances. Traditional practices serve to provide social and economic security for community, clan and family members. These practices include gathering resources to build first family homes (*ocheraol*), gathering resources to provide for family members of the deceased (*cheldecheduch*), celebrating the birth of a first child (*ngasech*), and placing specific regulations or moratoria on behaviors, species or sites (*bul*).

Changes in economy and governance structure have led to occasional conflict and confusion over the roles of elected and traditional decision-makers in governance. However, in many instances, the traditional and modern systems work together to preserve and promote cultural and natural heritage.

Palau has a resident population of 19,907 as of the 2005 Census. About 37 per cent of the population is between 25 and 44 years of age. Twenty-nine per cent is under 18 years of age. Of the total residents 14,005 are Palauans, which does not include overseas Palauans, and 5,902 persons are non-citizens. It is therefore important that with globalization come challenges to ensure Palau's culture be preserved and promoted, especially with one-third of the population under 18 years old. Palau experiences around 90,000 visitors a year.

PALAU CONSTITUTION

Under the Republic of Palau National Constitution, the *Rubekul Belau*, or National Council of Chiefs, are advisers to the President on traditional matters. Included in the 22 proposed amendments during the 2nd Constitutional Convention in 2007 is one that will require the National Government to work with and support the Traditional Leaders in preserving and promoting cultural heritage. The National Council of Chiefs was recently awarded a UNESCO Participation Program to put together a Cultural Policy.

ENACTED LAWS

Title 19 of the Palau National Code (PNC) addresses Cultural Resources – Division of Cultural Affairs/Historical Preservation Office, Belau National Museum, Inc. (BNM), National Archives and Lagoon Monument. Title 19 was recently amended to upgrade the Division Bureau of Arts & Culture (BAC).

In November 2003, Palau enacted its Copyright Law in time for the 9th Festival of Pacific Arts in July 2004.

BILLS PENDING IN THE OEK

The Traditional Knowledge and Expressions of Culture (TKEC) Bill and the Intangible Cultural Heritage (ICH) Convention are presently in the Olbiil Era Kelulau (OEK), Palau's national congress, for enactment and ratification respectively.

A bill to emphasize Palauan arts – to exhibit and display in major government buildings – is being reviewed. Also in the same bill is to strengthen Palauan music and to encourage traditional composition.

CULTURAL AND EDUCATIONAL AGENCIES

BAC under the Ministry of Community & Cultural Affairs compiles and publishes oral history of Palau under the supervision of the Society of Historians, who represent Palau's sixteen village states. In addition, cultural and historical sites are identified, surveyed and registered accordingly through archaeological work, an ongoing project.

BNM is the oldest museum in the Micronesian region, having been established in 1955 with a mission statement to identify, contextualize and record Palau past and present through collection, identification, preservation and promotion, interpretation, education, research and exhibition of cultural and natural property for the people of Palau. BNM addresses both current and past cultural and natural heritage.

With collaborative efforts between BAC, BNM and community leaders, Palau has five sites in the World Heritage Tentative List. Presently, Palau is working with Yap State of the Federated States of Micronesia in nominating trans-boundary sites.

In 2007, President Remengesau approved a Youth Policy Framework with OEK's endorsement that addresses cultural heritage, values and ethics. This year's Youth Day 2008, on the 14th of March, a Youth Rally was held on issues related to youth challenges, which included the modernized culture that exists in Palau today.

An annual event since 1998, Olechotel Belau Fair (OBF) is held with culture and the arts as the major component of the OBF festival.

Palau's Ministry of Education conducts an annual education awareness week to promote and strengthen culture and the arts among other educational programs. Primary, secondary and post-secondary schools students throughout Palau continue to take field trips to cultural and historical sites to further their knowledge in Palauan history.

CAPACITY BUILDING

Three cultural agencies staff are currently getting graduate degrees overseas to further their knowledge in the preservation and promotion of cultural heritage. Ongoing workshops and training both in country and overseas have led to staff commitment in ensuring that culture is a major component of nation building. Palau continues to conduct cultural exchanges with neighboring countries in Asia and the Pacific region.

VILLAGE STATES AND COMMUNITY ORGANIZATIONS

The sixteen states in Palau will begin to set aside at least 10 per cent of their annual budget for cultural heritage programs in beginning in fiscal year 2009.

Mechesil Belau, Traditional Women's Conference, is held annually, and is now in its 15th year. Major topics include cultural values and heritage. *Ngirbelau Klemat*, Men's Conference, is now in its second year and is addressing men's health, including culture.

Traditional Leaders of Koror State, the urban center of Palau, is basing its major role on culture and tradition. In addition to Koror, all village states in Palau use traditional means to protect and preserve the environment.

In terms of the economics of culture, eco/cultural tourism has become a major tourism industry for Palau. The recent findings of the 'Lost Tribes of Palau' that was recently aired on the National Geographic television channel shed light into more interests in cultural tourism. The article appeared in the Public Library of Science Journal, *PloS ONE*, about small-bodied human bones in Palau dated between 3,000 and 1,500 years ago.

In closing, Palau has many challenges: youth, education, health, environment, economic and social. Culture must be the denominating factor in all of these to ensure a people, a community and a nation survive in this world of today.

Annex 14: Report on the advancement of culture in Solomon Islands

SOLOMON ISLANDS

1. UPDATE ON INSTITUTIONAL FRAMEWORK

a) Government

The Ministry of Culture & Tourism as the mother Ministry representing the Government has supported all activities the respective departments have been doing. The Division of Culture that coordinates all cultural activities lacks other supportive components that will make the Division carry out its mandate by the Government through the Mother Ministry.

The Division has so far recruited three staff: a Director, a Senior Cultural Officer, and an Assistant Cultural Officer. These three officers will shoulder the current tasks that have been approved by the cabinet to coordinate Solomon Islands participation at regional events such as the 10th Festival of Pacific Arts in Pago Pago, American Samoa and other regional events or events hosted nationally in Honiara, Solomon Islands.

And as part of these activities, for the first time the Division acquires new equipment that will assist the Division in implementing the activities outline and make the Division efficient and effective in its day-to-day operation.

b) Non-governmental involvement

Is with the major stakeholders, provincial governments, traditional leaders, the Ministry of Education & Human Resources, the Department of Home Affairs, schools, women's groups and the churches and other NGOs.

2. FINANCIAL SUPPORT (WORKING BUDGET)

The Division through the Ministry of Culture & Tourism allocates a working budget that accommodates its work programme carried throughout the year. For instance this year, Solomon Islands will participate at the 10th Festival of Pacific Arts, and an amount of \$2 million (Solomon dollars) was considered and approved by the cabinet.

Apart from that, the division allocated about \$70,000.00 SBD to assist in the establishment of cultural centres in Solomon Islands. Also there is provision under the working budget to undertake cultural promotion and provincial cultural festivals and also involving at the regional level, for that matter.

On this note, we would like financial support from outside the region, in order to sustain the Ministry's working budget. The total estimated working budget will be around \$2,882,142.00 SBD for this year 2008.

3. ACTIVITIES FOR 2006–2008

- a) Cultural heritage:** Cultural heritage is part of the ongoing programmes and activities of the Ministry of Culture & Tourism. It coordinates through the Division of Culture and the Division of National Museum. That is to prepare a National Cultural Heritage Master Plan to accompany the National Cultural Policy. In fact, plans for this are going to be taking place soon. However, assistance is needed from UNESCO or others that can have a way forward for such undertakings.

- b) **Cultural/creative industries:** A number of creative industries of the Ministry have been part of the ongoing activities and that is to create awareness amongst our cultural groups and artists. Intellectual property copyright is one of the areas that needs to be pushed through with various responsible bodies in order to cater for cultural groups and for the creative industries. Without any framework such as this Model Law, we can be in a position to undertake such activities.
- c) **Mainstreaming culture:** Mainstreaming culture is an important component of the Ministry of Culture & Tourism, and that is if the sectors can be giving priority in enforcing a structure that covers the cultural sectors and work together with all the major stakeholders and the provincial centres. In this way a line of communication is there to actually lead the way in overseeing the cultural structure. It is anticipated that once a National Arts Council is set it will form the basis for mainstreaming of the cultural sector.

4. SYNOPSIS OF OBSTACLES

There are many obstacles in the area of culture as far as the Ministry or the Division of Culture is concern, and that is such as low priority to the cultural sector in terms of financial support, lack of proper guidance to enhance the work of the Ministry or the Division to be effective and also lack of the support to have a permanent home base for culture and arts in the country.

5. SYNOPSIS OF STRATEGIES TO COUNTER OBSTACLES

Strategies are to (a) seek support assistance from other regional governments in the area of culture and arts in terms of providing technical support; (b) lay the foundation of the setting of the National Arts Council as referred to in 3(c); and (c) seek additional funds through the Mother Ministry of Culture & Tourism to assist the Division to effectively carry out its work.

6. AREAS OF SIGNIFICANT PROGRESS/ACHIEVEMENTS

Have in place equipment and full staff for the Division. Also that the Division will create a network when its cultural centres will be formally upgraded. Also the offer of hosting the 2012 Festival of Pacific Arts in Honiara, Solomon Islands. Reviewing the current cultural association and activities.

7. UPDATE ON ADVANCEMENT OF CULTURAL POLICY

Request for assistance to UNESCO for funds has been in the Ministry's Corporate Plan 2007–2009. It is anticipated that the programme will be implemented early 2009 for the progress to have done for blessing from the Cabinet.

It is anticipated that once this is done then the setting of the National Arts Council will be fitting to the plan that will be in place. An intention to visit Fiji and PNG is in the pipeline and will pave the way for such undertaking to be made and to learn how they have come up with their models.

8. LEGISLATIVE MATTERS (LAW REFORM)

As outlined in 3(b), law reform in regards to IP is in place but has never been reviewed to cater for Intellectual Property rights (IP). We feel that this new legislation and guideline of the framework provided by SPC will add more value and probably set a standard for us in Solomon Islands. The Model Law must be undertaken soon.

9. MATTERS FOR DISCUSSION

- Assistance for the set-up of the National Arts Council
- Drafting of the National Cultural Policy
- Setting up of the 2012 Festival Committee in Honiara, Solomon Islands
- Copyright for Solomon Islands artists/carvers/performers

10. LISTING OF CULTURAL ASSOCIATIONS, INCLUDING CREATIVE ARTS

- Artists Association of Solomon Islands
 - Temotu Provincial Cultural Association
 - Malaita Provincial Tourism & Cultural Association
 - Western Provincial Tourism & Cultural Association
-

Annex 15: Report on the advancement of culture in Tonga

KINGDOM OF TONGA

(Presented by Dr Viliami Fukofuka, Chief Executive Officer/Director of Education, Women Affairs & Culture, Ministry of Education, Women Affairs & Culture)

1. INTRODUCTION

a) Government

The Division of Culture, after government reform in July 2006, continues to come under the Ministry of Education, Women Affairs & Culture (MEWAC). This division continues to coordinate many cultural activities at the primary through to the post-secondary level of education. Cultural studies is still very much a significant part of the curriculum taught at primary and secondary levels. At the primary level, children are taught the basics of our traditional dances, the making of handicrafts and, last but not least, the language. At the secondary level, students are taught the language, traditional ceremonies such as the kava ceremony, proverbs, counting and so forth. Finally, at the post-secondary level, the Teachers' Training College offers theoretical and practical training programmes in culture for prospective teachers. Personnel from the communities have been called in to the College from time to time to assist in the teaching of practical components of the Tongan culture for which no qualified staff was available. In addition to teaching the same, there is a practical component where the schools participate in the various traditional dances. All in all, the ministry's responsibility is to preserve and teach the Tongan culture to the children of Tonga

On the other hand, we have the Tonga Traditions Committee (TTC) which was established in 1954 after the United Nations Universal Declaration of Peace in 1948. Her Majesty the late Queen Salote Tupou III and the Legislative Assembly at the time passed a resolution to promote good records management and Tongan culture. The TTC therefore is responsible for keeping all cultural records in the archives. Archives, especially those pertaining to the royal family, are housed at three locations, namely the royal palace at Fu'amotu, the royal residence at Tufumahina and the royal palace in Nuku'alofa. The TTC is attached to the Palace Office.

The Tonga National Cultural Centre is also a government department which is under the Ministry of Tourism. The centre's primary purpose is to preserve the traditional dances and demonstrate the same, as well as the traditional processes of tapa making, weaving, cooking (in an underground oven known as 'umu), and the kava ceremony for the tourists.

b) Non-government

In addition to the above, there are non-government committees who are working to preserve our cultural heritage, such as the Tonga Punake Committee, whose aims are to preserve our traditional dances. The Tonga Handicrafts Association (THA) concentrates on preserving our handicrafts.

On the other hand, as opposed to traditional culture, there is a new organization recently established in August 2007 as the Creative and Performing Arts Association (CAPAA). This organization was established for the purpose of addressing the need to create and enhance opportunities for creative and performing artists. Their mission is to provide and create opportunities for creative and performing artists of Tonga to help build and develop their capacity to promote various skills of arts both locally and abroad. An important part of their programme is performing traditional/ancient dances using modern artistic expressions.

2. UPDATE ON INSTITUTIONAL FRAMEWORK

a) Institutional framework

Currently there is no coordinated or formal institutional structure for culture at the national level. All the above organizations (government/non-government) work on their own. For instance, the responsibility of the Division of Culture at MEWAC is educational; it works on its own and is not accountable to the TTC or vice versa. However, they do work together and side by side whenever it is needed, and an example of this is the preparation for the upcoming Pacific Festival of Arts. Activities pertinent to each organization will be dealt with later in this report.

b) Financial support

- i) The government divisions receive financial support from government in the usual way, that is, through a vote in the budget. They also rely a lot on funding agencies such as UNESCO, JICA, AusAID, PRoC Embassy and NZ High Commission.
- ii) The non-government organizations in turn rely on direct government funding or government soliciting funds on their behalf. Furthermore, they too rely heavily on the above-cited agencies.

3. ACTIVITIES FOR 2006–2008

• MEWAC

- 2006: As a result of the voluntary redundancy process, activities were school-based – that is, it was up to each school what cultural activity they would do.
- 2007/2008: In 2007, primary schools performed traditional dances (Ma'ulu'ulu, Lakalaka, Me'etu'upaki, Faha'iula, 'Otuhaka, Kailao, Tau'olunga) by regional districts. The same programme will be done this year (2008).

• Tonga National Commission for UNESCO (TNCFU)

The TNCFU is under MEWAC. The following are UNESCO Cultural Projects coordinated by the same:

- i) Nomination of Tentative World Heritage Sites for World Heritage listing. Sites nominated were the Ancient Capitals of Tonga, including the Ha'amonga Trilithon and the Lapita sites.
- ii) Implementation of the 1972 World Heritage Convention (Tonga ratified this convention in 2004).
- iii) Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity. Tonga submitted candidatures: the Lakalaka (proclaimed) and the Me'etu'upaki (not proclaimed).
- iv) National Consultation Workshops on the 2003 Convention for safeguarding of the Intangible Cultural Heritage (Tonga has yet to ratify this Convention).

• TTC

The following activities took place in 2006, 2007 and 2008:

- Seminars on World Heritage at Vava'u, Ha'apai, 'Eua and Tongatapu.
- Meetings with sponsoring government departments, interviewing stakeholders, visits to sites in/around Tongatapu, Vava'u, Ha'apai and 'Eua.
- Computerizing of data and information.
- Working on museums.
- Matapule seminars at Talafo'ou and one at Kolovai.
- Training on basic requirements for the keeping of the museum, e.g. brooms and rags, lining fabric and information tags, etc.

• CAPAA/THA

- Participated in Heilala Day Festival, Brisbane, Australia (10 November 2007).
- Participated in Tongan Handicraft Display and Market Day, Sydney, Australia (23–30 November 2007).
- Participated in pre-NZ tour Cultural Performance and Handicraft Display and Sales Day in

Nuku'alofa on 22 February 2008.

- Trade Expo, Auckland, NZ (5–6 March 2008).
- Pasifika Trade Fair (8 March 2008).

4. SYNOPSIS OF OBSTACLES

- **MEWAC**

- No vote for the administration of the unit.
- Lack of administrative and professional structure.
- No clear policy and guidelines.
- Shortage of staff.

- **TTC**

- No vote for the administration of the committee.
- Lack of administrative and professional structure.
- No clear policy and guidelines.
- Shortage of staff.

- **CAPAA/THA**

- Financial constraints. To participate in the above-cited activities, CAPAA was kindly supported by the Government of Tonga. Without the said assistance, they would not have participated in the same as it is still in its early stages of development and establishment.
- More people are interested to become members of the association but some restriction needs to be in place to keep the quality and the mission in focus.

5. SYNOPSIS OF STRATEGIES TO COUNTER OBSTACLES

- **MEWAC**

- Need to allocate a vote for the administration of the unit.
- Develop an administrative and professional structure for the unit.
- Develop policies and guidelines and review the unit on the implementation of its activities and to evaluate their effectiveness and suggest needed modifications.
- Recruit more staff.

- **TTC**

- Need to allocate a vote for the administration of the unit.
- Develop an administrative and professional structure for the unit.
- Develop policies and guidelines and review the unit on the implementation of its activities and to evaluate their effectiveness and suggest needed modifications.
- Recruit more staff.

- **CAPAA**

- Develop a Constitution for the association.
- Request government for registration of the association under government and to seek recognition of the same as the agent for creative and performing artists in Tonga.
- Submit project proposals for activities to solicit funding agencies' support.

6. AREAS OF SIGNIFICANT PROGRESS AND ACHIEVEMENTS

- **MEWAC**

- The Lakalaka has been proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity. Tonga has ratified the 1972 Convention on World Heritage Protection.
- Children are more confident with regards to performing traditional dances, and more enthusiastic to hear and read traditional stories (legends). This is evidenced by the high demand for books of legends, which are currently out of stock.

- Young men are now performing traditional tasks such as the roles of matapules (chiefs), kava ceremonies, traditional wedding ceremonies and so forth.
 - The subject of Tongan Studies, which has been taught through primary school and up to Form 5 secondary school where students sit the Tonga School Certificate, now continues to be taught at Form 6 where students sit the Pacific Senior Secondary Certificate. The latter commenced in 2001.
- **TTC**
 - The Lakalaka has been proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity.
 - Hon. Tu'ivanuavou becoming the Vice-President of PARBICA.
 - TTC has commenced recruiting volunteers.
 - Voluntary work at Tupou College Museum progresses steadily.
 - **CAPAA**
 - The cooperative and continuous support of the Ministry of Training, Employment, Youth and Sports (MOTEYS).
 - Members registered with the association have increased in number, which includes members from Creative Arts New Zealand such as Will 'Ilolahia and the well-known Tongan artist Filipe Tohi.
 - Workshops and seminars are being planned to be conducted in Tonga and hosted by CAPAA for the artists and those interested.
 - There have been marketing connections established between members of the association with business overseas, which is consolidated with orders placed with handicraft makers and specialized artists.
 - Examples of achievements: Tongan Community in Sydney placed an order with the kumete carver Feingahelotu Fanguna, Liahona, THA, to supply them in 2008 with 200 family-size kumete @ \$250.00 each; 2 large kumete @ \$1,500.00 each; and 1 extra-large kumete @ \$3,000.00. Mrs Ngalu Fa of Vava'u Handicraft Association (VHA) received an order from XTtra Co. of Sydney for her handmade jewellery worth \$3,500.00. Mr Sitiveni Fehoko was also made the Agent for BioPack company, and he will be establishing a branch here in Tonga this year (2008).

7. UPDATE ON ADVANCEMENT OF CULTURAL POLICY

Nil.

8. LEGISLATIVE MATTERS (Law Reform)

- i) Cabinet Decision No. 261 of 12 March 2008: Approval was granted for the proposed implementation of a regional system for the protection of traditional knowledge and expressions of culture.
- ii) It was also approved that the Crown Law Department and all stakeholders for traditional knowledge and expressions of culture, namely Ministry of Labour, Commerce & Industries, National Committee on Traditions, MEWAC, Ministry of Tourism and MLSNR, consider the national requirements for the protection of traditional knowledge and expressions of culture, and to draft appropriate legislation taking into account the provisions of the Pacific Model Legislation on Traditional Knowledge and Expressions of Culture.

9. LISTING OF CULTURAL ASSOCIATIONS, INCLUDING CREATIVE ARTS

- Ministry of Education, Women Affairs & Culture (government)
- Tonga Traditions Committee (also the custodians of the archival collection held by the palace) (government)

- Tonga National Cultural Centre (government)
- Tonga History Association (non-government)
- Tonga Handicrafts Association (non-government)
- Vava'u Handicrafts Association (non-government)
- Creative and Performing Arts Association (CAPAA) (non-government)
- Atenisi Performing Arts and Cultural Group (also runs courses on culture)

(There may be others that are not known to the writer.)

10. ACKNOWLEDGEMENTS

I wish to acknowledge the assistance rendered by the staff of the following, for conveying the information pertinent to their work, in order to put together this short report:

- Tonga Traditions Committee
- Tonga National Cultural Centre
- Culture Division, Ministry of Women Affairs & Culture
- Schools Division, Ministry of Women Affairs & Culture
- Creative and Performing Arts Association.

Finally, I would like to express my sincere thanks to the same for their cooperation, and hope that we will continue to work together to preserve the cultures of our island nation.

Annex 16: Report on the advancement of culture in Vanuatu

VANUATU

(Paper written by ABONG Marcelin, Director, Vanuatu Cultural Centre)

1. UPDATE ON INSTITUTIONAL FRAMEWORK

- a) The Vanuatu Cultural Centre (VKS) is a statutory institution governed by the Vanuatu National Cultural Council. In 1988, the Vanuatu National Cultural Council was established by an act of parliament with the object of providing for 'the preservation, protection and development of various aspects of the rich cultural heritage of Vanuatu, for the provision of public libraries and for the preservation of public records and archives' (Vanuatu National Cultural Council Act, capt. 186). The Vanuatu Cultural Centre, which has existed in various forms since the early 1960s, is identified in the Vanuatu National Cultural Council Act as the principal national institution responsible for executing this objective, and is further identified as consisting of the following bodies:

- the National Library
- the National Museum
- the Public Library
- the National Film and Photo Archive
- the National Heritage Registry
- Traditional Resource Management (TRM)
- the Vanuatu Women's Culture Program (WCP)
- the Young People's Project and Life Skills (YPP)
- the Fieldworkers Program.

The National Archives, which by reason of its concern with written and otherwise recorded documents is solely concerned with Vanuatu's post-European contact, was established as a separate institution by a subsequent act of parliament (National Archives Act, Act 13 of 1992).

In terms of the management of the cultural heritage of Vanuatu, then, the National Cultural Council is the highest national policy-making body and the Vanuatu Cultural Centre the principal national executing body.

b) Financial support (funding)

The Cultural Centre's funding comes from 3 main sources:

- Government grant: Under its governing act (the Vanuatu National Cultural Council Act), the Council is entitled to receive an annual grant from the national government. In 2007 the Cultural Centre grant from the national government totalled 24,250,536 vatu. The amount of the grant covered the VNCC/board's seating allowance, staff's salaries and the remainder of staff's salary cost, and basic running costs (electricity, water, telephone, fax and Internet connection).
- Grants received from foreign government and international organizations for projects totalled about 25,361,453 vatu in 2007.
- Revenues collected by the National Museum totalled about 13,532,648 vatu.

2. ACTIVITIES FOR 2006–2008

- a) Cultural heritage: Since 2006 the Vanuatu Cultural Centre has been working tirelessly for the submission of the Chief Roi Mata Domain to be put on the list of UNESCO World Heritage. We are also putting our priority of registering cultural and historical sites nationwide and our government is very committed to help communities regarding protection of those important

cultural sites. Most of those sites are already classified by the Ministry responsible, named the Ministry of Internal Affairs and Culture. The Vanuatu Cultural Centre and the Vanuatu National Cultural Council and the Ministry OI are putting resources together to achieve their aim.

- b) Cultural/creative industries.
- c) Mainstreaming culture.

3. SYNOPSIS OF OBSTACLES

The main obstacle is financial difficulties, especially for electricity bills. And even though the VKS receives a grant from the Government, it is not enough for its running as we all know that running a Museum is very expensive. We are pushing the Government to put an emphasis on the development of the Museum and for the development of its human resources.

4. SYNOPSIS OF STRATEGIES TO COUNTER OBSTACLES

To avoid this problem, the VKS has created a new section that we call the Vanuatu Cultural Centre Production (VKS Production). Its aim is to make money for the running of the Vanuatu Cultural Centre. So we produce products like T-shirts, books, films, properties for rent like a building used as a shop, hired rooms for conferences, and museum shops.

Now we are starting to develop our Vanuatu National Heritage Registry. We develop contracts by signing agreements with developers to allow staff from our VNHR to do survey works to protect possible cultural, ethnological and historical sites in Vanuatu. And the VKS is very proud of it. And by doing so, we bring revenue to the VKS.

5. AREAS OF SIGNIFICANT PROGRESS/ACHIEVEMENTS

The Vanuatu Cultural Centre for the first time in many years of existence launched its first ever corporate plan for a period of 4 years, from 2007 to 2011. It gives us a clear guideline for government and aid donors about the VKS future direction.

Actually we are working for the nomination of Chief Roi Mata Domain as a proposed world heritage site. The revocation of the lease of the island has been approved by the Council of Ministers this year 2008. It is a first ever of this kind in Vanuatu.

Also since 2007 we promote and support the year of Kastom Ekonomi here in Vanuatu. The idea is to re-promote the Vanuatu culture for the generation to come and to run awareness about the protection of environment, sustainable resources and sustainability of land, and traditional land rights and indigenous land ownership. We are proud of the initiative of the Vanuatu Cultural Centre and the Malfatumaori.

6. UPDATE ON ADVANCEMENT OF CULTURAL POLICY

- The Vanuatu Cultural Centre as a statutory body is governed by an act of parliament. In 1988, the Vanuatu National Cultural Council was established by an act of parliament with the object of providing for 'the preservation, protection and development of various aspects of the rich cultural heritage of Vanuatu, for the provision of public libraries and for the preservation of public records and archives' (Vanuatu National Cultural Council Act, cap. 186).
- The National Archives was established as a separate institution by a subsequent act of parliament (National Archives Act, Act 13 of 1992).
- The implementation of the year of 'Kastom Ekonomi' from 2007 and 2008. Year of Kastom Ekonomi matrix.

7. LEGISLATIVE MATTERS (LAW REFORM)

To do with law reform, the Vanuatu Cultural Centre reviews some of its laws. The important one that we are working on at the moment is the preservation of sites and artifacts (cap. 39.) This law was established in 1965 and revised in 1988. Since 2004 we are working on this existing Act, with some major amendments. And finally the bill will be debated in this first upcoming Parliament session in Port Vila.

8. MATTERS FOR DISCUSSION

- How to fight against illicit traffic of artifacts within small Pacific Island states.
- Financial subsidies to Pacific indigenous artists.
- Arts dealers and galleries: How do we help indigenous artists?

9. LISTING OF CULTURAL ASSOCIATIONS, INCLUDING CREATIVE ARTS

In Vanuatu we have numerous organizations or associations that are as follows:

- Nawita Association
 - Nabanga Association
 - Red Wave Association
 - Friends of the Museum with Kastom School
 - Alliance Française and the Association Kastom Stories
 - Fest' Napuan Association
 - Malakula Cultural Centre (Malakula Island)
 - Lolovoli Cultural Centre (Island of Ambae)
 - Tanna Cultural Centre (Island of Tanna)
 - Roi Mata Cultural Tour
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