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

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

In 2010, ICHCAP worked in collaboration with institutions from seven countries which include: Bangladesh, Bhutan, Indonesia, Nepal, Papua New Guinea, Philippines, and Tajikistan to carry out the field surveys. The purpose of the field survey project was to obtain a grasp on the current situation of ICH safeguarding, along with specific details on each country's efforts in inventory making and relevant policies, laws, organisations, etc. The centre will continue this project over the next several years to cover all of the countries within the Asia-Pacific region.

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

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

Seong-Yong Park, Ph.D
Executive Director
Intangible Cultural Heritage Centre for Asia and the Pacific
# Contents

Intangible Cultural Heritage Safeguarding Efforts in Papua New Guinea

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>001</td>
</tr>
<tr>
<td>Introduction</td>
<td>005</td>
</tr>
<tr>
<td>Field Survey Report</td>
<td></td>
</tr>
<tr>
<td>I. Safeguarding system &amp; policy</td>
<td>008</td>
</tr>
<tr>
<td>II. Intangible Cultural Heritage Inventory</td>
<td>010</td>
</tr>
<tr>
<td>III. Relevant Organisations</td>
<td>022</td>
</tr>
<tr>
<td>IV. Meetings on Intangible Cultural Heritage</td>
<td>024</td>
</tr>
<tr>
<td>V. Pending issues &amp; urgent needs on safeguarding of ICH</td>
<td>030</td>
</tr>
<tr>
<td>VI. Reference Materials</td>
<td>035</td>
</tr>
<tr>
<td>List of co-researchers</td>
<td>037</td>
</tr>
</tbody>
</table>

Annex 1 | Cultural Mapping Programme Pilot Project | 039

Annex 2 | Relevant Law | 053
- Protection of Traditional Knowledge and Expressions of cultural Act | 055
- Natio of Traditional Skills & Handicraft Development | 078

Annex 3 | National Traditional Knowledge Policy | 085

Annex 4 | Photographs | 117
Asia and the Pacific region is an area rich with various elements of intangible cultural heritage. Intangible cultural heritage has been handed down from generation to generation and has contributed to the development of cultural diversity and the creativity of humanity. Intangible cultural heritage for social development is well recognised as it represents the evolution of historical traditions and the cultural identity of a society embodied in creative expression.

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

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

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

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

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

Papua New Guinea does not have specific provisions on the safeguarding of intangible cultural heritage, however, there are pieces of legislations that generally cover intangible culture, such as the National Cultural Commission Act 1994, the National Cultural Property (Preservations) Act 1965, National Museum & Art Gallery Act 1994, Environmental Act 2000, Organic Law on the Provincial & Local Level Government and the new development of the Draft Bill on Traditional Knowledge and Expressions of Culture that is yet to be submitted to be National Executive Council for endorsement. For more information on other related legislations, please visit the following website; www.pacli.org

In June 2008, the Papua New Guinea Government has taken a step forward by ratifying the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage, essentially to preserve and safeguard Papua New Guinea’s countless and vast wealth of intangible cultural heritage for generations to come. The timely ratification of this UNESCO Convention has significantly created a sense of recognition to the country’s complex and diverse cultures and traditions that is evidently shown in its 850 distinct different languages. Currently, the National Cultural Commission (NCC) with financial assistance from Pacific Island Forum Secretariat (PIFS) engaged a consultant from the University of Papua New Guinea, Dr. Eric Kwa, who has experience on Intellectual Property Laws. Both Dr. Kwa and the NCC have undertaken wide consultations with stakeholders at the national and provincial level on the National Traditional Knowledge Policy to generally change the way Papua New Guineans perceive traditional knowledge and furthermore, to urge them to utilize traditional knowledge to develop innovative ideas to create wealth that can be equitably shared amongst them.

This was basically initiated from the draft Model Law for the Protection of Traditional Knowledge and Expressions of Culture. The Model Law was essentially developed in close consultation with the SPC, UNESCO, the Council of Pacific Arts and Forum Pacific Island member countries and territories, to assist Pacific Island countries and territories to protect their traditional knowledge and expressions of culture as a result of increasing exploitation and inappropriate commercialization.
In this connection, a Draft Bill for the Protection of Traditional Knowledge and Expressions of Culture Act 2010 has been developed, and it captures and gives legal effect to the draft National Traditional Knowledge and Expressions of Culture Policy 2009 and the opening statement of the Preamble of the National Constitution of Papua New Guinea.

The Draft Bill has been taken out for two combined regional workshops in early October and a national workshop thereafter, which brought together experts from relevant stakeholders organizations and key state bodies to discuss the importance of traditional knowledge in Papua New Guinea and the need for Cabinet’s endorsement of the Draft Bill.

Apart from the above-indicated scenario, the National Cultural Commission has a National Cultural Policy that was endorsed in principle by the National Cultural Commission’s advisory body, the National Cultural Commission Board. However, the Commission is embarking on further stakeholder consultations for further review by the Board before it goes through the National Executive Council (NEC), the Cabinet, for proper endorsement.

Moreover, the National Cultural Commission has embarked on the Cultural Mapping Project where it conducted its preliminary consultations with the selected Local Level Government (Taure-Lakekamu in the Malalaua District of the Gulf Province of PNG) in early 2009, completing its first regional Cultural Mapping Pilot Project in December 2009.

With the same methodology conducted in the Gulf Province for the Southern Region, the National Cultural Commission is embarking on its next Cultural Mapping Pilot Project for the New Guinea Islands Region in the Hoskins Local Level Government of West New Britain Province with training and awareness, followed by research work in March 2011.

Following the New Guinea Islands Cultural Mapping Pilot Project, the Commission will conduct the Highlands Regional Cultural Mapping Pilot Project in the Eastern Highlands Province and Momase Region in the East Sepik Province thereafter due to the country’s vast cultural diversity and geographical composition.
II. Intangible Cultural Heritage Inventory

1. Background Information

Having a population of over 6 million people and over 850 languages, Papua New Guinea’s diverse cultures and traditions remain intact, others have undergone changes, while others have disappeared.

The overall aim of the legitimate state entity as a custodian to PNG’s art and culture, the National Cultural Commission, is to identify, record and document all the traditional cultural heritage in its entire totality so that we can be able ressurect, revive and revitalize every tangible and intangible element, its mode and processes for our next generation’s survival, continuity and advancement.

Papua New Guinea has a total of 20 provinces that are politically divided into four Regions. Unlike other Pacific Island States and Territories having a homogenous culture, Papua New Guinea, being very culturally diverse, is approached on a regional basis for its cultural mapping pilot projects so that it sets the basis for the entire country’s inventory work.

However, Papua New Guinea does not have a national inventory as yet. The implementing agency of the UNESCO 2003 Convention, the National Cultural Commission, has started undertaking the Cultural Mapping Program in 2009 to establish and maintain a database registry system, a first time documentation exercise that has never been done in the country before.

The National Cultural Commission is currently undertaking regional pilot projects in the local level government areas with the following core objectives;

(i)  Develop research topics;
(ii) Develop research methodologies;
(iii) Develop a national framework;
(iv) Develop training manual;
(v) Develop logistical frameworks; and
(vi) Develop an inventory mechanism, a database registry system.
2. Plan

The Cultural Mapping Inventory is slowly progressing, nonetheless, the National Cultural Commission has undertaken the following plans for the future:

- The Pacific Regional Framework on the Model Law on Traditional Knowledge and Expressions of Culture has been developed into a National Traditional Knowledge Policy in its draft form. The National Traditional Knowledge Policy has further been developed into a Draft Bill which two combined regional workshops and a national workshop for experts from Stakeholder organizations and key state bodies was recently held to further comment on before it goes through the National Executive Council for endorsement to be fully operational.

- The first regional Cultural Mapping Pilot Project has been conducted in the Taure-Lakekamu Local Level Government of the Gulf Province in the Southern Region of Papua New Guinea. The NCC is currently arranging for the next pilot project to be held in another Hoskins Local Level Government of the West New Britain Province in the New Guinea Islands Region. The Commission anticipates to conduct a pilot project each in at least, a particular Local Level Government area in one of the provinces of the four regions of the country.

- A database system has been established, however, it needs more reviewing and evaluation.

3. Inventory Information

A. Title(s)

PAPUA NEW GUINEA CULTURAL DATABASE

The Papua New Guinea Cultural Database is an initiative the National Cultural Commission is currently undertaking and it aims to preserve and protect traditional and contemporary cultural data and information. It will basically include the National Cultural Commission's data from other institutions as well as the ongoing Cultural Mapping Program. The database system will also cooperate with the Summer Institute of Linguistics to include a language database. Moreover, it will keep a registry of heritage sites in Papua New Guinea and a Papua New Guinea Arts Directory.
B. Number of inventories
Since Papua New Guinea has just completed its first regional Cultural Mapping Pilot Project in the Taure-Lakekamu Local Level Government of the Gulf Province in December 2009, it anticipates to undertake another pilot project in another Local Level Government area in the West New Britain Province in March 2011. The National Cultural Commission will conduct four (4) regional pilot project exercises in a selected province, before its all set to fully cover the entire country. This concept was established because of the country’s complex and diverse cultures and traditions, coupled with its complex geographical composition.

C. Number of designated items
In the initial planning stages of conducting its first pilot project in December 2008, the National Cultural Commission engaged an officer with the Institute of Fijian Language and Culture in June 2009, for a period of three weeks.
Upon her return, she shared her experiences and the NCC considered Fiji’s designated items to that of its first regional pilot project in the Gulf Province, however, considering the country’s diversity and complexity, those designated items were adapted to that particular society’s social structure, environment and related cultural resources. Hence, number of designated items will entirely depend on environmental factors, geographical location, density of the population, access to education and
health, to those cultural resources that exist in a particular community/society.

D. Frequency of designation
Since the National Cultural Commission has just completed its first regional pilot project, there are some issues that they have not focused on, and Frequency of Designation is one of them. The NCC will definitely consider this issue in the forthcoming cultural mapping pilot project. However, Frequency of Designation will entirely depend on what data/information the traditional knowledge holders’ will provide.

E. Date of most recent update
As indicated earlier, the National Cultural Commission has just started on its first of the four regional pilot projects in December 2008, hence, the data collected has just been transcribed and is yet to go through the process of updating. This issue is currently under discussion.

F. Establishment of an expert advisory panel
According to past regional workshops in working towards the development of the draft National Traditional Knowledge Policy, it was noted that the Cultural Authority would best sit at the national level through the National Cultural Commission.
However, in the deliberation of the Draft Bill for the Protection of Traditional Knowledge & Expressions of Culture, the National Cultural Commission automatically becomes the custodian of PNG’s art and culture, however, this issue of cultural authority is optional, pending cabinet approval.

G. Responsible governmental organization
- Organization: National Cultural Commission
- Person in charge: Dr. Jacob L. Simet, OL
- Contact Information: +675 323 5111/5119
- Job Description: Executive Director

4. Designated Heritage

A. Categories

The following categories were developed in light of the first Southern Regional Cultural Mapping

- **Category 1: Social Organization**
  - Kinship
  - Moiety
  - Clans
  - Sub-clans
  - Totems
  - History of groups
  - History of clan
  - Emigration

- **Category 2: Life Crisis**
  - Birth
  - Marriage
  - Deaths
  - Initiations
  - Puberty rites
  - Greetings/ salutation
  - Grooming-hair styles and beards
  - Traditional games

- **Category 3: Material Culture**
  - Traditional house
  - House items
  - Culinary items, eg. pottery, bags, mats, bark cloth

- **Category 4: Ritual Objects**
  - Mask
  - Drums
  - Spirit (tambaran) houses
  - Ancestral figures
  - Bull roarers
  - Sacred flutes

- **Category 5: Ceremonies/ Expressions of Culture**
  - Dance/ performances/costumes
  - Music
  - Designs
  - Legends
- Games
- Body decorations

• **Category 6: Economics/ Subsistence activities**
  - Hunting: legends, Methods, Tools
  - Fishing
  - Gardening
  - Exchange/trade
  - Sago making

• **Category 7: Technology**
  - Weapons-warfare
  - Ritual objects
  - Fire making
  - Ropes
  - Paints
  - Clothing
  - Axes
  - Knives
  - Torches
  - Fishing, hunting and gardening tools

• **Category 8: Herbal and Healing Techniques**
  - Traditional midwifery
  - Traditional healing practices
  - Traditional medicine

• **Category 9: Others**
  - Spirits
  - Warfare

The above topics were made possible by tape recorders and recording cassettes, photographs and audio visuals.

B. Criteria

Documentation of inventory collection of cultural resources is a very new initiative undertaken by the National Cultural Commission. The challenging experiences in the first pilot project in December 2008 in the Gulf Province has set the basis of inventory collection in the remaining three cultural mapping pilot projects for the three regions. The inventory
processes will constitute a set of procedure or steps involved in creating a nationally owned database.

- Prior to selecting an area for the cultural mapping program, a number of reasons are considered which may include:
  
  - Request made by provinces through their Provincial Governments;
  - Considering the logistics of the area;
  - Knowledge of the province; and
  - Urgency for documentation of endangered cultural resources or those on the verge of disappearing.

The National Cultural Commission has considered the regional approach and has developed a national Implementation schedule to include the provinces from each region of the country. For this reason, the National Cultural Commission has decided to consider these provinces for pilot projects. The first regional pilot cultural mapping project has been conducted in the Gulf province which represents the Southern Region. The remaining three provinces for the pilot projects are: West New Britain Province for New Guinea Island Region, Eastern Highland Province for the Highland Region and the East Sepik Province for the Momase Region. The selection of these provinces is based on the reasons mentioned above. The West New Britain province was selected due to request made by their Provincial Government and Administration. The selection of Eastern Highlands and East Sepik Provinces is due to background knowledge of the different types of cultural heritage found in these areas.

C. Designated Heritage Items

The aim of the national inventory is to maintain and keep a record of existing intangible and tangible cultural heritage of local communities in Papua New Guinea. This inventory will serve the purpose of:

- Preserving the intangible and tangible cultural heritages for future generations; and
- Identifying the owners of all traditional knowledge and cultural expressions; and
- Enabling accessibility to utilize these traditional knowledge and cultural expressions by users and, thus, compensate owners of these traditional knowledge and cultural expressions appropriately.
Since the National Cultural Commission is currently focusing on its cultural mapping pilot project and does not have a national inventory as yet, there are no designated items enlisted, however, the cultural mapping project will certainly assist in the establishment of a national inventory.

D. Name, Domains, Explanation, Criteria, Holders

The new initiative that the National Cultural Commission is currently working on, the Papua New Guinea Cultural Database will additionally create the foundation for database registry system for the cultural mapping project. The data will be itemized according to their places of origin from provincial down to their clans and as individuals in their respective societies, and also all the details relating to their cultural resources. Not much is mentioned on this because establishment of this programme is currently in progress.

E. Heritage Associated Items

- **craftsmanship**: skills: tools, methods, workshop, etc.

  In most villages in Papua New Guinea, some people make a living through their skills in arts and crafts as formal sector employment amounts to a small proportion of livelihood activities undertaken by families in the community. Some individuals and families have skills in carving and shaping shells to make ornaments and jewellery, whilst in other areas, carvers carve wood to make artefacts, others make string bags, weave baskets, etc. The craftsmen's skills are high in demand.

  However, only a few craftsmen and craftswomen still practice craftsmanship in the customary way, although efforts are being made to pass that skill on to a new generation. The few who possess the complex and important skill of their traditional craftsmanship with cultural and historical significance are slowly decreasing in numbers. This also reflects the decreasing numbers of traditional tools that are now replaced with modern devices.

- **performing arts**: costumes, instruments, stage, occasion etc.

  Culture is not static, it evolves with time, hence, most traditional costumes and instruments are being substituted with modern ones.
The recent independent celebrations in the country, 16th September 2010, has highlighted the people’s enthusiasm and fascinating traditional costumes were showcased in the main locations in the nation’s capital and provincial towns. It clearly shows that traditional costumes and instruments are showcased only during cultural shows, festivals and important occasions.

There are cultural shows and festivals showcased in urban areas while others are performed at village proper, depending on the occasion. During the first regional cultural mapping pilot project, various cultural instruments that were never used for long period of time were identified and documented. Apart from cultural festivals and shows, there are traditional performances undertaken by certain communities/societies during occasions such as bride price payments, initiation ceremonies, circumcision, etc.

- **event:** occasion, venue, participants, costumes, dance, rituals, etc.

As indicated above, there are certain traditional ceremonies held apart from cultural festivals and shows. Some of these traditional ceremonies have sacred/secret elements normally held in enclosures outside the village proper, whilst others are generally held in the main village arena witnessed by everyone. One such sacred/secret traditional ceremony that involves specific rituals is the female initiation in the Burui-Kunai Local Level Government in the Wosera-Gawi District in the East Sepik Province. With regards to NCC’s participation in cultural festivals and shows, there are four thematic regional festivals coordinated by NCC in collaboration with respective Provincial Governments and Administrations. The National Mask Festival annually held in the East New Britain Province showcases the unique and dynamic mask culture that is culturally significant in the area. This particular culture involves rituals for weeks before the dancers participate in the actual festival. While in the Southern Region of Papua New Guinea which consists of 5 provinces including the nation's capital, the canoe and kundu (hand drums) both have significant roles in the socio-cultural life of the people. The canoe technology also contributes to the maritime trading networks in coastal areas of Papua New Guinea especially. Its significance has materialized the annual staging of the National Canoe and Kundu Festival in Alotau, Milne Bay Province.
For the Momase Region which includes 4 provinces participate in the annually held National Mambu (Bamboo) and Garamut (Slit gong) Festival. This festival is annually held in the provincial town, Wewak of the East Sepik Province.

In the Highlands Region, very detailed body painting that complements their oral traditions is culturally significant in the area. This has compelled the NCC to establish the annual staging of the Bilasim Skin (Body Decoration) Festival in Goroka, East Highlands Province.

The 4 regional thematic festival indicated above are annually staged in close collaboration with their host Provincial Governments and Provincial Administrations.

The NCC also collaborates with the respective Provincial Governments and Administrations in assists in Festivals such as the Gulf Mini Mask Festival in the Gulf Province, Gogodala Canoe Festival in the Western Province, Garamut and Mask Festival in the East Sepik Province, Mona Festival in the Autonomous Region of Bougainville and the Namatanai Mask Festival in the New Ireland Province.

Other cultural shows and festivals are coordinated at the Provincial level, such as the Madang Festival for the Madang Province, Morobe Agriculture Cultural Festival in Morobe Province, Hiri Moale Festival in the nation’s capital, National Arts and Crafts Exhibition in the Nation's capital, Tavur Cultural Show in the West New Britain Province, Kontu/Tembin Shark Calling Festival in the New Ireland Province, Choral Festival and the Kokopo District Cultural Show in the East New Britain Province, Engan Cultural Show in the Enga Province, Hagen Show in the Western Highlands Province, Goroka Show in the Eastern Highlands Province, etc.

F. Information regarding holders/bearers

• Numbers, names, designated items, etc.

From the first cultural mapping pilot project, the traditional holders were interviewed and all information provided was documented. This indicates that those traditional holders identified and interviewed will be noted and documented during the course of the cultural mapping exercise.

In most communities in PNG, traditional knowledge is communally owned, however, only a few individuals stand out to be the mastercraftsman for a specific cultural resource or material.
In a family unit, when traditional ceremonies or occasions are held, each family member is aware of his/her customary obligations. This is commonly practiced in most societies in the country and is documented in the initial cultural mapping project. There are several ceremonies that involve certain clans/tribes and there are others which involve the whole community.

5. Provisional Designated Items

A. National government: name, domain, general information, characteristics, location, etc.

We have not looked into this area, however, now that it is raised, it will be considered.

B. Local government: name, domain, general information, characteristics, location, etc..

At the village/ward level, ward councilors represent the Local Level Government, however, there is not much safeguarding efforts implemented from their level. In Papua New Guinea, the National Government in its annual budget allocations does not put much emphasis on cultural activities and related infrastructural projects, priority is given to health and education sectors, and development oriented programs.

C. Additional Information

The research tools used in the cultural mapping pilot project were interviewing and participant observation.

In the context of participant observation, the field researchers present at a cultural activity at the research site would observe or participate with the rest of the community in the program.

Face to face interviewing involved verbal exchange in which the interviewer asked structured or some unstructured questions, in a formal or informal manner with a group of people or individuals during the interview period.

The first southern region pilot project was a stepping stone to the implementation of the intangible cultural heritage inventory at the national level. Prior to the cultural mapping program, a draft overall framework has been developed, however, it still needs reviewing.
The methodological framework or tools was basically developed to guide and securely implement the pilot project carried out to document the cultural mapping project. After the pilot project, the methodological framework has been reviewed, taken into account the challenges faced in the field, lessons learnt and recommendations made for improvement by the selected field researchers. All these challenges, lessons learnt and recommendations will be adopted for the implementation for a nationwide inventory program.

D. Reference Materials

- Explanation note, photos, etc

The audio visual and other related materials of the recent cultural mapping pilot project will not be distributed unless consent is given by the traditional knowledge owners. A prior informed consent form was signed between the National Cultural Commission and the traditional knowledge holders during the cultural mapping pilot project. The consent form was a fundamental principle of research that relates to the right of any participants to have full and honest information about the research. The consent form spelt out the code of ethics that was strictly observed whilst cultural research in the community was conducted. This allowed the field researchers to observe the code of ethics that was being prepared to undertaking work. Furthermore, the consent form offered opportunities to raise issues of concern that was pertained to the field research undertaken in the community concerned to be clarified.

6. Non-Governmental Inventory

There are no non-governmental organization that focus on intangible cultural heritage inventory, however, there is one Summer Institute of Linguistics located in the Eastern Highlands Province in the Highlands Region who mainly focus on bible translation into local vernaculars. Hence, they may generally have documentation of languages in different parts of the country. The National Cultural Commission is currently liaising with them to exchange ideas and information in assisting NCC with its cultural database registry system.
## III. Relevant Organisations

### 1. Governmental organisations

<table>
<thead>
<tr>
<th>Ministry/Dept.</th>
<th>Location</th>
<th>Field of Concentration</th>
<th>Advisory Body</th>
<th>Project Details</th>
<th>Person in Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Cultural Commission</td>
<td>Former LNA Building, Ume Street, Gordons Industrial Area</td>
<td>Preservation, Promotion, Development, Protection and Safeguarding of PNG’s Art and Culture</td>
<td>NCC Board</td>
<td>Cultural Mapping Project. Purpose of this project is to collect cultural resources of a particular area to be registered in a database system. Pilot Projects are conducted on a regional basis. It is envisaged that the project will be ongoing for the next 10-15 years. The first pilot project undertaken in the Southern Region forms the basis to cover the entire country.</td>
<td>Dr. Jacob L. Simet EXECUTIVE DIRECTOR PO Box 7144, BOROKO, National Capital District PORT MORESBY, Papua New Guinea Tel. +675 323 5111 Fax.+675 323 5120 Email. <a href="mailto:culture@daltron.com.pg">culture@daltron.com.pg</a></td>
</tr>
<tr>
<td>Ministry of Culture and Tourism</td>
<td>Era Rumana Building Level 4 Port Moresby</td>
<td>The Minister is answerable to the Cabinet</td>
<td></td>
<td></td>
<td>Hon. Guma Wau MINISTER</td>
</tr>
<tr>
<td>Office of Tourism Arts &amp; Culture (OTAC)</td>
<td>Era Rumana Building Level 4 Port Moresby</td>
<td>Empowers the Ministry to investigate further the perceived inadequacies and propose, implement and monitor the necessary changes in consultation with the Minister responsible and other stakeholders</td>
<td>Ministry of Tourism, Arts and Culture</td>
<td></td>
<td>Ms. Mariana Ellingson DIRECTOR GENERAL</td>
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2. Non-governmental organizations

<table>
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<th>Organization</th>
<th>Location</th>
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<th>Project Details</th>
<th>Person in Charge</th>
<th>Reference Materials</th>
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</thead>
<tbody>
<tr>
<td>Summer Institute of Linguistics</td>
<td>Goroka, Eastern Highlands Province</td>
<td>Documentation of Languages</td>
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IV. Meetings on Intangible Cultural heritage

1. Inter-Departmental Meeting on the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage

A. Theme
   The Inter-Departmental Meeting was convened to deliberate on Papua New Guinea’s ratification of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. This follows the commitment by the Deputy Prime-Minister, Hon. Dr. Puka Temu, to the then Director General of UNESCO, Mr. Koichiro Matsuura, that the Convention be presented to Parliament in its 2008 April Session, for approval for ratification.
   The meeting brought together relevant Government agencies to;
   - Consider and discuss strategies to effect the implementation of the Convention in PNG.
   - Draft a policy submission for consideration by the National Executive Council

B. Duration

18th -19th March 2008

C. Venue

Crown Plaza Hotel

Port Moresby

D. Organizer

National Cultural Commission
E. Participants – numbers/Organizational affiliation

- Mr. Fernando Brugman
  Programme Specialist
  UNESCO Intangible Cultural Heritage Section, Paris, France

- Mr. Mali Voi
  UNESCO Sub-Regional Representative
  Apia, Samoa

- Hon. Charles Abel
  Minister
  Ministry of Culture & Tourism

- Mrs. Goini Loko
  First Secretary
  Ministry of Culture & Tourism

- Dr. Joseph Pagelio
  Secretary
  Department of Education

- Dr. Jacob L. Simet
  Executive Director
  National Cultural Commission

- Mr. Seri Hegame
  First Secretary
  Office of the Deputy Prime Minister

- Dr. Paul Ngabung
  Director
  Policy Division
  Dept. of Prime Minister & NEC

- Mr. Fred Sarufa
  Dept. of Foreign Affairs, Trade & Immigration

- Mr. Paulias Korni
  Deputy Secretary, Information
• Dept. of Information & Comm.

• Mr. Yori Yei
  • Acting Secretary General
  • PNG National Commission for UNESCO

• Mr. Michael Kumung
  • Dept. of National Planning & Rural Development

• Mr. Paul Barker
  • Director
  • Institute of National Affairs

• Mr. Jim Onga
  • Dept. of Environment & Conservation

• Ms. Karen Haive
  • Deputy Secretary
  • Dept. of Community Development

• Mr. Yu Minimbi
  • Dept. of Foreign Affairs, Trade & Immigration

• Mr. Alex Haboic
  • Dept. of Education

• Mr. Peter Wahanduo
  • Institute of PNG Studies

• Prof. Kenneth Sumbuk
  • Pro Vice Chancellor
  • University of PNG

• Ms. Grace Kave
  • Dept. of Justice & Attorney General

• Mr. John Iso
  • Office of the Higher Education

• Mr. Michael Buleau
Meetings on Intangible Cultural Heritage

PNG Tourism Industry Association
National Cultural Commission Staff
Policy, Planning & Research Division

F. Speaker’s list

- Opening Remarks by Dr. Jacob L. Simet
  Executive Director
  National Cultural Commission

- Welcome Address by Dr. Joseph Pagelio
  Secretary
  National Department of Education

- Comments by Mr. Mali Voi
  UNESCO Sub-Regional Representative
  Apia, Western Samoa

- Opening Address by Hon. Charles Abel
  Minister
  Ministry of Culture and Tourism

- State of Safeguarding PNG’s ICH by Ms. Hale Lahui
  National Cultural Commission

- Presentation on the Convention for Safeguarding ICH by Mr. Fernando Brugman
  UNESCO Intangible Cultural Heritage Division

- Ratification of International Conventions by Mr. Fred Sarufa
  Director, International Organization’s Branch
  Department of Foreign Affairs, Trade & Immigration

- Legal, Political, Administrative and Financial Implications of ratifying the Convention on Safeguarding Intangible Cultural Heritage by Mr. Fernando Brugman

- Capacities of PNG to implement the main obligation of the Convention (inventories – cultural mapping) by Mr. Mali Voi
G. Points of Discussion

The meeting was officially opened by the Hon. Charles Abel, Minister for Culture and Tourism. He expressed very strong views about the need for Papua New Guinea to ratify the Convention for the sake of safeguarding the intangible cultural heritage of Papua New Guinea.

The representative from UNESCO, Paris, elaborated on the Convention, highlighting on some important articles. At the same time he highlighted on the need for Papua New Guinea to ratify the Convention immediately rather than later. One of the main reasons was that by ratifying now, Papua New Guinea could be in a position to benefit from the rights under the Convention.

A presentation from the National Cultural Commission highlighted the fact that the protection and safeguarding of intangible cultural heritage was already addressed in a number of national legislations and other provisions; including the Papua New Guinea National Constitution, the National Cultural Property and Preservation Act 1965, the National Museum and Art Gallery Act 1992 and the National Cultural Commission Act 1994 and other related legislations and provisions. That the Convention would support these already existing instruments.

The representative from the Department of Foreign Affairs, Trade & Immigration provided the meeting with a background on the Papua New Guinea procedures on ratification of international legal instruments such as the Convention. The meeting was informed of the need to abide by the established procedures to achieve a successful outcome.

On the whole, the meeting supported Papua New Guinea’s endorsement of the Convention and the recent commitment by the Deputy Prime-Minister for ratification.

H. Action Plan

The governmental agencies meeting for consultation on 18 and 19 March 2008,
1. **Recalling** the support given by the Government to the adoption of the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003;

2. **Further recalling** the commitment made by the Deputy Prime Minister and the Director-General of UNESCO to proceed with the ratification by Papua New Guinea;

3. **Also recalling** the strong support given by the Minister for Culture and Tourism to the ratification of the Convention at the opening session of this consultation meeting;

4. **Endorses** the Government’s support for the ratification of the Convention;

5. **Further endorses** that the National Cultural Commission be the agency in charge of coordinating the implementation of the Convention in Papua New Guinea;

6. **Underscores** the importance of the involvement of communities, as well as of provincial and local level governments in the implementation of the Convention;

7. **Agrees** that the National Cultural Commission develop a NEC Policy Submission on the basis of the discussions held at this consultation meeting;

   **Requests** the National Cultural Commission to submit the Convention at its earliest convenience to the State Solicitor for legal clearance and that it undertakes the necessary steps related to the ratification of the Convention.

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### I. Follow-up activities

An NEC Policy Submission for the ratification of the UNESCO 2003 Convention was formulated straight after the Inter-Departmental Meeting. In June 2008, the Cabinet endorsed the Policy Submission, hence, Papua New Guinea became a State Party of the UNESCO 2003 Convention for the Safeguarding of ICH.
V. Pending issues & urgent needs on safeguarding of ICH

Q1. Is any of the intangible cultural heritage in your country in danger of disappearance or transformation? (Please include name of the heritage, location, problems encountered, etc.)

Intangible cultural heritage is a growing awareness here and abroad. Considering Papua New Guinea 850 plus languages and over 1000 living cultures, the country's vast wealth of intangible cultural heritage is on the verge of disappearing. This was evidently shown from the first regional Cultural Mapping Pilot Project when such issues were raised. Hence, the regional cultural mapping pilot projects will provide the platform for more discussions at the national and provincial level to ensure that data documentation is prioritized from the most endangered to the least.

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

The reason why PNG's intangible cultural heritage is in danger is due to non-existence of a specific legislation. PNG through the National Cultural Commission has taken a step forward in the recent drafting of the Draft National Traditional Knowledge and Expressions of Culture Policy and Draft Bill for the Protection of Traditional Knowledge and Expressions of Culture. Four regional and a national consultation was held recently for the above-indicated draft Policy and Bill to formulate into a final National Executive Council Policy Submission for Cabinet endorsement. Further to that, the inventory collection such as the detailed cultural mapping program is a new initiative in the country assisting in the documentation and safeguarding of the country's both tangible and intangible cultures. However, before the concept of cultural mapping program was introduced in PNG, the National Cultural Commission did not have a safeguarding
mechanism on hand to specifically document and safeguard intangible cultural heritage in the country. It concentrated on the staging of cultural festivals on a regional basis. Some of the cultural festivals are coordinated with support from respective Provincial Governments and Administrations. Moreover, there are several cultural festivals entirely funded by the Provincial Governments.

Apart from cultural festivals staged at the national and provincial level, schools, churches, and other non-government organizations host cultural festivals and shows for certain occasions within their organizations.

In the school curriculum, the National Department of Education introduced the use of local vernaculars at the elementary level in communities especially in the rural areas. This introduces the young children to understand and translate English words and expressions to their local vernacular and vice versa.

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

During the course of the first regional Cultural Mapping Pilot Project, a lot of issues emerged such as the loss of owners and holders of intangible cultural heritage in which their knowledge is not transmitted and eventually disappears or does not exist anymore. Through the cultural mapping project, the National Cultural Commission has formulated a draft Cultural Mapping Framework for the entire country. Presently, it anticipates conducting its second regional Cultural Mapping Pilot Project for the New Guinea Islands Region in the West New Britain Province. This will be followed by another two regional pilot projects for the Momase and Highlands Regions respectively.

For the continuation of the three remaining regions before the actual project starts, the funding component will be another challenging issue, however, the National Cultural Commission continues efforts in seeking assistance from the National Government for funding and it hopes to secure funding from other sources as well.

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

The vast wealth of PNG's cultures and traditions lies in its intangible cultural heritage. As mentioned in the initial part of this paper, one of the main
problems and difficulties encountered during the first regional Cultural Mapping Pilot Project was the issue of language barrier and dialect difference stands as a barrier. Within the first regional pilot project area, the Taure-Lakekamu Local Level Government, there are villages with different population numbers, some located on the river banks whilst other uphill, those from uphill spoke totally different language from those living by the river banks. The translation of information and processes involved from interviewees to interviewers may not best describe the real meaning of the intangible cultural heritage.

Another major problem that was encountered was education and effective awareness. Most villages (pilot project sites) visited were not aware of the concept of cultural mapping, hence, rejected the idea of having interviewers from visiting their villages.

The lack of manpower knowledgeable with the whole cultural mapping concept was another major difficulty encountered whilst in the field. The National Cultural Commission recruited researchers to conduct the first regional Cultural Mapping Pilot Project, however, not all were fully aware of the concept.

The National Cultural Commission also lacks manpower to educate and train researchers from outside.

As indicated above, funding is also a major problem in the continuation of the project.

Being the second largest island in the world from the rugged mountains to the coastal lands, another challenging issue is the difficulty in accessing some of the villages in certain parts of the country.

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

The future plans for safeguarding intangible cultural heritage are indicated in the previous responses where cultural mapping pilot projects are currently conducted on regional basis. The four regional Cultural Mapping Pilot Projects in each selected province will form the basis of inventory work for the entire country.

This exercise will also assist the National Cultural Commission is establishing its national inventory database in a systematic manner.
Q6. **What type of contribution and cooperation from international society is needed for the safeguarding of ICH in your country?**

Papua New Guinea would definitely need international assistance in the form of training and capacity building, technical advice and of course financial contributions to enhance safeguarding mechanisms in the country.

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

The Pacific Island States and Territories pride itself with some of the most rich and colourful cultures and traditions in the world. UNESCO Regional Office in Western Samoa has been very supportive in assisting the region in recognizing its cultures and traditions, and the importance of the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage has been made aware to the region urging them to ratify. So far, Papua New Guinea, Fiji, Tonga and Vanuatu have ratified the Convention, whilst others are still in the process of ratifying. In implementing this Convention, complex and diverse countries like Papua New Guinea would have difficulties in its inventory collection exercise compared to the smaller Island States and Territories, hence, the four regional Cultural Mapping Pilot projects. The current survey ICHCAP is undertaking is very helpful in finding out the status of inventory work in the Region, however, it would be good to have ICHCAP provide training and capacity building as well as technical assistance to effective carry out its safeguarding activities and programmes.

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

With regards to the above-indicated problems and challenges faced in the course of the inventory work in our country, the National Cultural Commission would be grateful to suggest the following:

- To strengthen cooperation and exchange ideas with other Pacific Island States and Territories;
- Papua New Guinea does not have an element of intangible cultural heritage inscribed under the Representative List and the List in Need of Urgent Safeguarding. The NCC would appreciate the provision of technical assistance in the processing of nomination documents for possible inscription of ICH elements;
• The NCC would further appreciate technical and financial assistance on its cultural mapping programmes, the setting up and maintenance of its database registry system;

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

• For communities to get actively involved in the safeguarding of intangible cultural heritage, it would be good to enhance the current cultural festivals by rotating them to different locations that have not staged a festival.
• The National Cultural Commission should also encourage respective Provincial Governments to further encourage Local Level Governments to develop programmes and activities for their respective wards (villages).
• Furthermore, the Organic Law on the Provincial and Local Level Government Section 42 & 44 states subject matters that have direct bearing on culture. This compliments the National Cultural Commission Act 1994 which must assist with cultural centre establishments so as to assist and facilitate traditional cultures of indigenous people. This legislation empowers the Provincial Governments to directly correspond with Local Level Governments in their provinces to further interact with ward councilors and ward members to consider the establishment of cultural resource centres to maintain the upkeep of their cultural resources and other related materials.
VI. Reference materials

1. Inter-Departmental Meeting on Safeguarding Intangible Cultural Heritage In PNG, 18th – 19th March 2008, National Cultural Commission, Papua New Guinea
3. Summer Institute of Linguistics, Goroka, Eastern Highlands Province
List of co-researchers

<table>
<thead>
<tr>
<th>NAME</th>
<th>AFFILIATION</th>
<th>CONTRIBUTION TO THE SURVEY</th>
<th>FIELD OF RESEARCH</th>
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<tr>
<td>Dr. Jacob L. Simet, OL</td>
<td>National Cultural Commission Executive Director</td>
<td>Management</td>
<td>Intangible Cultural Heritage</td>
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<td>Ms. Hale Hahui</td>
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Annex 1  |  Cultural Mapping
Programme Pilot Project
1. Introduction

The National Cultural Commission acknowledges that a preliminary visit, as such, the preliminary cultural mapping exercise in Mailovera Area, Malalaua District, Gulf Province, may be fundamental, whereby dialogue is built between the National Cultural Commission and respective local communities.

The preliminary visit’s main focus was to put mechanisms in place to implement activities of the cultural mapping programme.

From 24th to 26th January 2008, three officers of the National Cultural Commission conducted a preliminary meeting with the elders and leaders of Mailovera in preparation for the actual Cultural Mapping exercise.

This report intends to highlight some of the issues and challenges that were encountered in the process of the meetings.

2. Brief on Mailovera area

Mailovera area is blessed with rich abundant sago and betelnut that is supplied to Port Moresby markets for cash. Currently, the area is showing positive oil prospects that will be a major income earner to the Province, apart from Kikori.

According to the Mailovera people, the word Mailovera originated from a young man called Maiu Lovera who is believed to first settle in the area, the present site being Heatoare Village. Maiu Lovera had two daughters, the eldest being Heatoare and the second being Heamola. In Toaripi language of East Kerema, “hea’ literally means a person whilst “toare” indicates elder, hence, the word “heatoare:” signifies an elder person. Whereas “mola” indicates younger, hence, “heamola” signifies a younger person.
Therefore, the Mailovera people refer to Heatoare village as the elder village and the Heamola (later changed to Heavala), the younger village.

The Mailovera people further believe that the Toaripis and Moripis originated from these two villages. The Toaripi tribe from the coast migrated from Heatoare while the Moripis migrated east from Heamola.

The area is located east, inland of Kerema, along the Taure-Lakekamu River basin, covered by sago stands. Prior to the provincial government reforms, the administrative region for these villages was called Mailovera Constituency, now referred to as Taure-Lakekamu LLG area.

Heatoare village is made up of 12 clans that further form Savaiviri, Tapala, Malakeke and Uto villages. Heamola, later changed to Heavala, has 12 clans and make up Lalafiru, Iosipi, Terapo, Iopoe, Mirikarikara and Osomaisa villages.

The total population of Mailovera area covers approximately 10,000 people whose daily activity of sago making is particularly common within the Province.

Mailovera is one of the areas that was first to be explored by Christian missionaries, in which 90 percent have abandoned most of their cultures and follow their Christian faith. The two main churches that exist in the Mailovera Heatoare and Mailovera Heamola (Heavala) are the United Church and Catholic.

The traditional governing body of the Mailovera tribe before outside exposure was the “elavo” system. Each elavo had a sevese (clan leader) under the
headship of the Pukari (paramount chief). A council of chiefs comprising of the Pukari, deputy pukaris, “ori ovu” (act as executive officers) and all the “seveses” form the hierarchy of the elavo system. Additionally in each “elavo”, “sevese” (clan leaders) had their own “mai karu” (distributor of food) to ensure that peace and harmony was maintained in the society.

3. Principle Issues for Analysis

In the course of the preliminary cultural mapping programme, pertinent issues emanated from the interactions between the village elders, clan leaders and the officers of the National Cultural Commission.

A. Prior Informed Consent

Traditional Knowledge and Expressions of Culture in Mailovera area is rooted within the clan group system, reflective of a patrilineal society that exists in the Malalaua area of the Gulf Province. During the meetings held in Heatoare and Heavala elavos (men’s house), the NCC officers highlighted the importance of the Model Law for the Protection of Traditional Knowledge & Expressions of Culture and further informed the elders and clan leaders of the cultural mapping exercise as an important tool to protect their traditional knowledge and cultural expressions from commercialization and misuse, and erosion.

**Moveave**

The officers further highlighted the role of the database and registry systems further records their respective rights.

The main agenda of the meeting was to seek the elders and clan leaders’ consent to allow for the cultural mapping exercise to commence within their respective clans in the area.

In endorsing the Prior Informed Consent Forms, the elders and clan leaders raised questions as to how leaders that are unavailable to sign the forms be notified of the proposed cultural mapping programme.

The first meeting in Mailovera Heatoare was more organized in the sense that they have an existing committee called the HESATA Association (Heatoare, Savaiviri and Tapala), a community development
establishment made up of clan leaders especially, to venture into business activities (oil prospective projects). The presiding chairperson of the meeting was the Deputy Chairman of HESATA Association, Mr. Sarufa Uiva.

The Mailovera Heatoare group in which 11 of the 12 clan leaders attended, all agreed in principle for the cultural mapping programme to proceed.

Whereas in the Mailovera Heavala group that was mainly attended by a few clan leaders in the absence of the two Paramount Chiefs (Pukaris), the Ward Councillor, Fusa Torea chaired the meeting. The group verbally agreed in principle to proceed with the cultural mapping programme, however, the endorsement of the Prior Informed Consent Form was disputed because the two Pukaris unavailability, and the clan leaders could not sign. They advised that this process can be done at a later date.

The Mailovera Heavala is made up of the 12 following clans; Hora Lavi, Mirou Lavi, Meuri Lavi, Sovehaea, Ova Lavi, Ori Lavi, Kevaro Lavi I, Kevaro Lavi II, Misaeipi, Hohoro Lavi, Kauri Lavi, Sarea Lavi/Lavaipi.

The Mailovera Heamola (Heavala) is made up of the 12 following clans; Oripi, Laikipi, Savoripi, Soveheaea, Veveapoe, Lavaipi, Lakolo, Luipi, Keravolavi, Misaiipi, Horalavi, Operoro.

*(See illustration on following page)*
In the process of the meetings conducted, apparently the cultural mapping programme is a critical determinant of the production of traditional knowledge owners and their social relations.

The manner of approaching existing structures from respective clan/tribal groups should form the basis of the data collection exercise to minimize disputes and disagreements amongst themselves.
The two meetings resolved that the requirements of the database and registry collection activity be arranged by their Pukaris (Chiefs) and further disseminated to the clan leaders and the people within each clan.

This arrangement is a very logic way of data collection because vernacular classification may demonstrate the cultural integrity of traditional knowledge and cultural expressions. The traditional owners of traditional knowledge and expressions of culture are customarily embedded with village elders and clan leaders who may exceed the ages of 50 and may have difficulty in the English and Tok Pisin languages.

Therefore, an arrangement should be put in place for collaborative work between these traditional owners of traditional knowledge and expressions of cultures and the existing establishments such as the schools within the area to assist in the translation of the information.

B. Sacred/Secret Issue

The issue of sacred and secret traditional knowledge and expressions of culture was specifically mentioned in the course of the meeting in both Mailovera Heatoare and Mailovera Heavala.

The two terminologies, database and registry should be clearly defined to ensure that information for public or private use should be considered. In the database and registry collection exercise, whereby a list of information will be systematic manner collected and developed for either public or private use whether related to legal rights or not, should be clearly articulated in the development of the database and registry system of the cultural mapping programme.

The sacred/secret traditional knowledge and cultural expressions may differ within each societal structure. Provocative questions were raised as to what extent people may wish to restrict access to their traditional knowledge and cultural expressions and to what extent do people wish to make their traditional knowledge and cultural expressions readily available for use.

One of the clan leaders suggested that the sacred and secret information may be entered into the system by the owners of the traditional knowledge and expressions of culture and a password to protect it. Only
the owner of the information gains access to the information through the password.

On the whole, the clan leaders and elders of Mailovera Heatoare and Mailovera Heavala were quite reluctant to discuss the sacred/secret issue. They believe that exposing sacred and secret traditional knowledge and expressions of culture may cause calamities within the family and respective clan. They resolved that the sacred and secret information should be kept and not exposed to the registry and database system.

4. Awareness of Cultural Mapping Programme

In the deliberation of the Mailovera Heatoare and Mailovera Heavala meetings, the clan leaders and elders were rather amazed with the Model Law for the Protection of Traditional Knowledge & Expressions of Culture and commended the National Cultural Commission for undertaking such initiative. They expressed their disappointments with the young people especially who do not respect the traditional laws that exist within societies. One of the clan leaders advised that in the traditional past, the Pukari (Paramount Chief) had his own assistants who executed specific tasks. For example, the Pukari had his own “sevese miai” (sorcerer) who would penalize those that did not adhere to the traditional laws of the society.

According to the Mailovera elders and clan leaders, this preliminary visit has made them re-visit their cultures and traditions and further stirred up discussions on the chieftainship system within their area.

They were made aware of the importance and the extent of ownership associated with the traditional knowledge and expressions of culture and further to transfer to the next generation for continuity and sustainability.

5. Cultural Data

With regards to Fiji’s Cultural Mapping approach, a whole list of subject matters was noted to be deliberated on in the inventory exercise.

The following list of topics;

(1) Geneological / Kinship Information – should include totems, ranks, number of extended families, clans, tribes
(2) Heritage Sites specific to a particular clan, tribe, village or province.
(3) Emigrational information – movement through intermarriage, natural disasters, population increase,
(4) Traditional forms for award for bravery during war
(5) Traditional ceremonies, rituals and practices
(6) Traditional beliefs/religious systems
(7) Dialects
(8) Names of persons, places and sites having cultural significance
(9) Traditional medicine
(10) Traditional Healing Practices
(11) Traditional Fishing Methods
(12) Traditional Agriculture – e.g. sago making
(13) Traditional Crafts and Designs
(14) Traditional Forms of Performing Art
(15) Traditional Food Preparation methods and culinary practices
(16) Traditional Midwifery
(17) Traditional rites of passage – Circumcision/Initiation
(18) Traditional Games
(19) Tales, Legends, Stories
(20) Traditional Costumes
(21) Traditional way of Grooming – hairstyle, beard, etc...
(22) Traditional forms of Exchange
(23) Navigational Skills

Apart from the list above, the following new topics were added;

(24) Elavo system
(25) Masks
(26) Pukari
(27) Traditional way of salutation/greeting

During the meetings in the Mailovera Heatoare and Mailovera Heavala elavos, the NCC officers explained the above list and provided examples from within the area as much as possible to simplify the data inventory programme.

The above list will be transferred individually to the Microsoft Access Program to be systematically categorized and stored.

**Cultural Mapping in Mailovera Area, Malalaua Dist., Gulf Province**
### Example of the database to store cultural data

The following information will be in the database as shown above:

1. Numbering (automatic)
2. Element of Art (Specify it’s name and describe briefly)
3. Vernacular Name
4. Name in English
5. Brief History
6. Name of TK Owner
7. Status in the Village/Address
8. Geneological Information
9. Clan/Tribe/Ethnic group
10. Village
11. District
12. Province
13. Name of Language spoken in the area
14. Emigrational Information
15. Visual Documentation
16. Data Provider
17. Date of Interview

The Microsoft Access is accessible and systematic, whereby records from the 27 topics above will be entered with associated images and audio video, if necessary.
6. OTHER INVENTORY REQUIREMENTS

A. NLGPS

In the process of the meetings held, it was noted that an NLGPS with a USB connection attached should be purchased to record the geographical location of the area to be mapped. Due to the rise in water level, natural disasters and population increase, people move and create new hamlets. Therefore, it is important to have a NLGPS to record the position of the locations of the areas where the data will be collected.

B. MAPINFO

This mapping software is very vital for the cultural mapping programme. This software is a decision-making programme that allows all data collected and its associated coordinates to be stored and displayed. It has Graphics and Attributes, therefore, the NCC should purchase a higher version of this software for better quality and quantity.

C. Conclusion/ Recommendation

Considering the diversity of Papua New Guinea having 800 plus languages, different ethnic groups, tribes and clans, the Cultural Mapping Programme is envisaged to be a huge task that may take a period of 5 to 10 years to complete, depending on manpower.

The manner of approach to cover the entire country will be through the existing structures in their respective communities. Emphasis on the cultural on social organizations in respective communities is a vital tool to collect data. That is, certain cultural protocols and code of ethics are some of the main issues to be considered in undertaking the inventory exercise.

The two meetings held in the Mailovera Heatoare and Mailovera Heavala elavos resolved that they will make their own inventories in their respective 12 clans and have them available for entry into the database system.

The clan leaders and elders advised that this approach is appropriate and fair in the sense that they are fully aware of their own traditional knowledge and expressions of culture than those from outside their communities.

Accordingly, the National Cultural Commission should proceed on with effective awareness programmes for the entire country, down to the local...
level for the cultural mapping information to be clearly expressed and translated into respective languages.

As mentioned earlier, the respective clans/tribes take ownership of the inventory exercise in their own language and further translated into English by educational institutions from those particular areas.

The NLGPS is an important tool to locate the coordinates of a particular area where data can be collected. NCC should purchase this instrument as a basis for the actual cultural mapping programme, and can be purchased from Theodist Stationeries.

The Mapinfo is a mapping software that will lay out all the attributes and associated graphics of the data collected on the map of the country. Once a person clicks on any of the areas on the map, it will automatically show all the data collected from that particular area.
Annex 2  |  Relevant Law

Protection of Traditional Knowledge and Expressions of Cultural Act
National Cultural Property (Preservation) Act
ARRANGEMENT OF CLAUSES.

PART I. – PRELIMINARY.

Division 1. - Compliance with Constitutional Requirements.

1. Compliance with Constitutional requirements.
2. Interpretation.
   “Authority”,
   “authorized user agreement”,
   “customary use”,
   “derivative work”,
   “derogatory treatment”,
   “moral rights”,
   “prescribed”,
   “sacred-secret”,
   “traditional cultural rights”,
   “traditional knowledge”,
   “traditional owners”,
   “this Act”.


Division 2. - Objectives and Principles.

PART II. - ADMINISTRATION.

Division 1. - Cultural Authority.

6. Designation of Cultural Authority.
7. Objectives of the Authority.

Division 2. - Functions and Powers of the Cultural Authority, etc.

8. Functions of the Authority.

Division 3. - Committees.

10. Establishment of committees.

PART III.- TRADITIONAL CULTURAL RIGHTS.

11. Holders of traditional cultural rights.
12. Meaning of cultural rights.
13. Material form not required.
14. Duration.
15. Traditional cultural rights inalienable.
16. Additional rights.
17. Derivative works.

PART IV.- MORAL RIGHTS.

PART V.- OBTAINING FREE, PRIOR, INFORMED AND FULL CONSENT FROM TRADITIONAL OWNERS.

Division 1. - General.

19. Application procedure for obtaining free, prior, informed and full consent.

Division 2. - Applications for use and identifying traditional owners.

20. Application.
22. Identification of traditional knowledge owners.
23. Uncertainty or dispute about ownership.
24. Where there is no traditional owners or no agreement about ownership.

Division 3. - Authorised user agreements.

25. Application to be rejected or negotiations for agreement.
26. Proposed agreement to be referred to the Cultural Authority.
27. Terms and conditions.
28. Free, prior, informed and full consent in an authorised user agreement.
29. Where no authorized user agreement reached.

Division 4. - Applications not made under this Part.

30. Procedure for applications.

PART VI. - ENFORCEMENT.

Division 1. - Offences.

31. Offences in relation to traditional cultural rights.
32. Offences in relation to moral rights.
33. Offences in relation to sacred-secret material.
34. Offences in relation to importation and exportation.

Division 2. - Civil actions.

35. Civil claims.
36. Remedies.
Division 3. - Defences and other matters.

37. Defences.
38. Other mechanisms to resolve dispute.
39. Other rights of actions and remedies.

PART VII. — TRANSITIONAL ARRANGEMENTS.

40. Procedure for transitional arrangements.

PART VIII. - MISCELLANEOUS.

41. Regulations.
42. Recognition of other laws.
INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2010.

A BILL for AN ACT

entitled

Protection of Traditional Knowledge and Expressions of Cultural Act 2010,

Being an Act to protect and promote the traditional knowledge of the people of Papua New Guinea and the expressions of culture for the benefit of present and future generations, and for related purposes.

MADE by the National Parliament to come into operation upon certification by the Speaker of the National Parliament.

PART I.-PRELIMINARY.

Division 1.- Compliance with Constitutional Requirements.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.
   (1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C of the Constitution (Qualified Rights), namely-
      (a) the right to freedom from arbitrary search and entry conferred by Section 44 of the Constitution; and
      (b) the right to freedom of employment conferred by Section 48 of the Constitution; and
      (c) the right to privacy conferred by Section 49 of the Constitution; and
      (d) the right to stand and vote for public office conferred by Section 50 of the Constitution; and
      (e) the right to freedom of information conferred by Section 51 of the Constitution; and
      (f) the right to the freedom of movement conferred by Section 52 of the Constitution, is a law that is made for the purpose of giving
effect to the national interest, and public safety and public welfare.

(2) For the purposes of Section 53 (protection from unjust deprivation of property) of the Constitution, the purpose of protecting and maintaining the cultural properties of the people of Papua New Guinea is a public purpose.

(3) For the purposes of Section 41 of the Organic Law on Provincial Governments and Local-level Governments, it is hereby declared that this Act relates to a matter of national interest.

2. Interpretation.
   In this Act unless the contrary intention appears—“Authority” means the Cultural Authority designated under Section 6; “authorized user agreement” means a written agreement entered into under Division 3 or 4 of Part 4; “customary use” means the use of traditional knowledge or expressions of culture in accordance with customary laws and practices of the traditional owners; “derivative work” means any intellectual creation or innovation based upon or derived from traditional knowledge or expressions of culture; “derogatory treatment” in relation to traditional knowledge or expressions of culture, includes any act or omission that results in a material distortion, mutilation or alteration of the traditional knowledge or expressions of culture that is prejudicial to the honour or reputation of the traditional owners, or the integrity of the traditional knowledge or expressions of culture; “moral rights” are the rights mentioned in Section 18; “prescribed” means prescribed by the Regulations made under this Act; “sacred-secret” means any traditional knowledge or expressions of culture that have a secret or sacred significance according to the customary law or the practices of the traditional owners concerned; “traditional cultural rights” are the rights mentioned in Section 13(2) and (3); “traditional knowledge” includes any knowledge that generally-
   (a) is or has been created, acquired or inspired for traditional economic, spiritual, ritual, narrative, decorative or recreational purposes; and
   (b) is or has been transmitted from generation from generation to generation; and
   (c) is regarded as pertaining to a particular traditional group, clan or community of people in Papua New Guinea; and
   (d) is collectively originated and held;
“traditional owners” of traditional knowledge or expressions of culture means—
(e) the group, clan or community of people; or
(f) the individual who is recognized by a group, clan or community of people as the individual owner; or
(g) the family which is recognized by a group, clan or community of people as the family owner, in whom the custody or protection of the traditional knowledge or expressions of culture is entrusted in accordance with the customary law and practices of that group, clan or community; “this Act” includes the Regulations.

3. APPLICATION OF ACT.
(1) This Act applies to—
(a) the State; and
(b) all natural persons, whether resident in the country or not; and
(c) all corporations, whether incorporated or carrying on business in the country or not.

(2) The provisions of this Act shall apply to all matters relating to traditional knowledge and expressions of culture in the country.

Division 2. - Objectives and Principles.

4. OBJECTIVES OF THE ACT.
The objectives of this Act are—
(a) to provide for the protection of traditional knowledge; and
(b) to provide for the protection of expressions of culture; and
(c) to promote the expressions of culture; and
(d) to protect the owners, holders and users of traditional knowledge
(e) to safeguard traditional knowledge and expressions of culture; and
(f) to provide a means for carrying into effect obligations under any international treaty or convention relating to traditional knowledge and expressions of culture to which Papua New Guinea is a party.

5. Principles Relevant to the objectives of the act.
To achieve the objectives of the Act, all persons exercising functions, powers, and duties under the Act shall recognize and take into account the following principles—
(a) the protection of rights of traditional knowledge owners,
holders and users; and
(b) the promotion of the full expressions of culture; and
(c) the active and full participation of traditional owners of
traditional knowledge in the development of the country.

PART II. – ADMINISTRATION.

Division 1. - Cultural Authority.

6. DESIGNATION OF CULTURAL AUTHORITY.
The National Executive Council may on the advice of the Minister
designate the body responsible for the identification, protection and
management of cultural properties as the Cultural Authority for the
purposes this Act.

7. objectives of the cultural authority.
The objects of the Authority are-
(a) to provide protection for traditional knowledge owners and
users of traditional knowledge
(b) to encourage, promote and strengthen traditional knowledge and
expressions of culture; and
(c) to provide for the regulation of the use of expressions of culture;
and
(d) to establish working relations and collaboration with the
government agencies responsible for culture; and
(e) to collaborate with non-governmental organizations and
international agencies involved in the protection, promotion,
safeguarding, development and preservation of traditional
knowledge and expressions of culture; and
(f) to do all things that may be deemed necessary to implement the
policy and provisions of this Act.

Division 2. - Functions and Powers of the Cultural Authority, etc.

8. FUNCTIONS OF THE AUTHORITY.
(1) The functions of the Authority include-
(a) to advise the Minister on any matters relating to the objects of
this Act; and
(b) to receive and process applications under Part 4; and
(c) to coordinate the negotiations and execution of authorized
user agreements between potential users and owners of traditional knowledge and expressions of culture; and
(d) to monitor compliance with authorized user agreements and to advise traditional knowledge owners of any breaches of such agreements; and
(e) to develop protocols for:-
(i) access to traditional knowledge and expressions of culture; and
(ii) use of traditional knowledge and expressions of culture; and
(iii) management of traditional knowledge and expressions of culture; and
(f) to strengthen the role of traditional knowledge owners in society; and
(g) to liaise with regional bodies in relation to matters under this Act; and
(h) to maintain links with international organizations that deal with traditional knowledge and expressions of culture issues in other countries; and
(i) to promote research on traditional knowledge and Expressions of culture; and
(j) to do all that may be deemed necessary to implement the policy and provisions of this Act.

(2) The Authority may in writing delegate or withdraw all or any of its functions under this Act to
(a) a competent national agency; or
(b) a Provincial Government; or
(c) a Local-level Government.

(1) The powers and duties of the Authority are-
(a) to formulate and issue technical and procedural rules in relation to:
(i) the protection; and
(ii) the promotion; and
(iii) the preservation; and
(iv) safeguarding, of traditional knowledge and expressions of culture; and
(b) to issue permits and licences required under the Act; and
(c) to protect the owners, holders and users of traditional knowledge and expressions of culture; and
(d) to promote the lawful expressions of culture; and
(e) to safeguard the traditional knowledge and expressions of culture; and

(f) to prosecute offences under this Act; and

(g) to enforce the provisions of this Act.

(2) The Authority has the power to do all things necessary to be done in connection with the performance of its powers and duties under the Act and any other enactment.

Division 3. - Committees.

10. ESTABLISHMENT OF COMMITTEES.

(1) The Authority may establish such Committees as the Authority considers necessary for the purposes of the Act.

(2) The Authority may—

(a) appoint persons (including members of the Authority) to be members of the Committees; and

(b) prescribe the powers, functions and procedures of the Committees.

(3) A member of a Committee shall be paid such fees and allowances as are determined under the Board (Fees and Allowances) Act 1955.

PART III.- TRADITIONAL CULTURAL RIGHTS.

11. HOLDERS OF TRADITIONAL CULTURAL RIGHTS.

The traditional owners of traditional knowledge or expressions of culture are the holders of the traditional cultural rights in the traditional knowledge or expressions of culture.

12. MEANING OF CULTURAL RIGHTS.

(1) Traditional rights are the rights set out in Subsections (2) and (3).

(2) The following uses of traditional knowledge or expressions of owners in accordance with Section 25(1) or 26(3)-

(a) to reproduce the traditional knowledge or expressions of culture; and

(b) to publish the traditional knowledge or expressions of culture; and
(c) to perform or display the traditional knowledge or expressions of culture in public; and

(d) to broadcast the traditional knowledge or expressions of culture to the public by radio, television, satellite, cable or any other means of communication; and

(e) to translate, adapt, arrange, transform or modify the traditional knowledge or expressions of culture; and

(f) to fixate the traditional knowledge or expressions of culture through any process such as making a photograph, film or sound recording; and

(g) to make available online or electronically transmit to the public (whether over a path or a combination of paths, or both) traditional knowledge or expressions of culture; and

(h) to create derivative works; and

(i) to make, use, offer for sale, sell, import, or export traditional knowledge or expressions of culture or products derived from traditional knowledge or expressions of culture; and

(j) to use the traditional knowledge or expressions of culture in any other material form, if such use is a non-customary use (whether or not of a commercial nature).

(3) To avoid doubt, the traditional owners are entitled to use traditional knowledge or expressions of culture in the ways mentioned in Subsection (2) in the exercise of their traditional cultural rights.

(4) Subsection (2) does not apply to the use of traditional knowledge or expressions of culture for any of the following—(a) face to face teaching; or

(a) criticism or review; or

(b) reporting news or current events; or

(c) judicial proceedings; or

(d) incidental use.

(5) A user of traditional knowledge or expressions of culture mentioned in paragraphs (4)(a) to (d) must make sufficient acknowledgement of the traditional owners by mentioning them or the geographical place from which the traditional knowledge or expressions of culture originated.

13. MATERIAL FORM NOT REQUIRED.
Traditional cultural rights exist in traditional knowledge and expressions of culture whether or not that traditional knowledge or those expressions of culture are in material form.

14. DURATION.
Traditional cultural rights continue in force in perpetuity.

15. TRADITIONAL CULTURAL RIGHTS INALIENABLE.
Traditional cultural rights are inalienable.

16. ADDITIONAL RIGHTS.
The traditional cultural rights in traditional knowledge and expressions of culture are in addition to, and do not affect, any rights that may subsist under any law relating to copyright, trademarks, patents, designs or other intellectual property.

17. DERIVATIVE WORKS.
(1) Any copyright, trademark, patent, design or other intellectual property that exists in relation to a derivative work vests in the creator of the work or as otherwise provided by the relevant intellectual property law.

(2) If a derivative work, traditional knowledge or expressions of culture are to be used for a commercial purpose, the authorised user agreement must-
   (a) contain a benefit sharing arrangement providing for equitable monetary or non-monetary compensation to the traditional owners; and
   (b) provide for identification of the traditional knowledge or expressions of culture on which the derivative work is based in an appropriate manner in connection with the exploitation of the derivative work by mentioning the traditional owners or the geographical place from which it originated; and
   (c) provide that the traditional knowledge or expressions of culture in the derived work will not be subject to derogatory treatment.

PART IV.- MORAL RIGHTS.

18. MEANING OF MORAL RIGHTS.
   (1) The traditional owners of traditional knowledge or expressions of
culture are the holders of the moral rights in the traditional knowledge or expressions of culture.

(2) The moral rights of the traditional owners of the traditional knowledge or expression of culture are:

(a) the right of and expressions of culture; and
(b) the right not to have ownership of traditional knowledge or expressions of culture falsely attributed to them; and
(c) the right not to have their traditional knowledge and expressions of culture subject to derogatory treatment.

(3) The moral rights of traditional owners in their traditional knowledge and expressions of culture exist independently of their traditional cultural rights.

(4) Moral rights continue in force in perpetuity and are inalienable, and cannot be waived or transferred.

PART V.- OBTAINING FREE, PRIOR, INFORMED AND FULL CONSENT FROM TRADITIONAL OWNERS.

Division 1. - General.

19. PROCEDURE FOR OBTAINING FREE, PRIOR, INFORMED AND FULL CONSENT.
This Part sets out the procedure for obtaining the free, prior, informed and full consent of the traditional owners to use their traditional knowledge or expressions of culture for a non-custodial use (whether or not of a commercial nature).

Division 2. - Applications for use and identifying traditional owners.

20. APPLICATION.
(1) A prospective user of traditional knowledge or expression of culture for a non-custodial use (whether or not of a commercial nature) shall apply to the Authority to obtain the free, prior, informed and full consent of the traditional owners of the traditional knowledge or expressions of culture.
(2) The application shall-
    (a) be in the prescribed form; and
    (b) specify the way in which the applicant proposes to use the
        traditional knowledge or expressions of culture; and
    (c) state clearly the purpose for which that use is intended; and
    (d) be accompanied by the prescribed fee.

(3) The Authority shall finalise the application in accordance with this
    Part within a period not exceeding three months.

(4) In the event that the Authority does not finalise the application within
    the period mentioned in Subsection (3), the traditional owners are
    deemed to have not consented to the proposed use.

21. PUBLIC NOTIFICATION.
    (1) The Authority shall-
        (a) give a copy of the application to those persons (if any) who it is
            satisfied are the traditional owners of the traditional knowledge
            or expressions of culture to which the application relates; and
        (b) publish a copy of the application in a newspaper having national
            circulation stating how interested persons may obtain a copy of
            the application; and
        (c) where appropriate, broadcast details of the application on radio
            or television stating how interested persons may obtain a copy
            of the application.

    (2) Any person who claims to be a traditional owner of the traditional
        knowledge or expressions of culture to which the application
        relates must advise the Authority either in writing or orally within 28
        days after the application is published or broadcasted (whichever is
        the latter).

    (3) The Authority shall record in writing the details of any oral or written
        advice given under Subsection (2).

22. IDENTIFICATION OF TRADITIONAL KNOWLEDGE OWNERS.
    (1) Where the Authority is satisfied that it has identified all the traditional
        owners it shall make a written determination containing such details as to identify the traditional owners.
(2) The Authority shall-
   (a) publish a copy of the determination in a newspaper having national circulation; and
   (b) where appropriate, broadcast details of the determination on radio or television.

23. UNCERTAINTY OR DISPUTE RELATING TO OWNERSHIP.
   (1) Where the Authority is not satisfied that it has identified all of the traditional owners or that there is a dispute relating to ownership, the Authority shall refer the matter to the persons concerned to be resolved according to customary law and practice or such other means as are agreed to by the parties.

   (2) When all of the traditional owners have been identified in accordance with customary law and practice or such means as have been agreed to, the traditional owners must advise the Authority, and the Authority shall make a written determination containing such details as to identify the traditional owners.

   (3) The Authority shall-
       (a) publish a copy of the determination in a newspaper having national circulation; and
       (b) where appropriate, broadcast details of the determination on radio or television.

24. WHERE THERE IS NO TRADITIONAL OWNERS OR NO AGREEMENT RELATING TO OWNERSHIP.
   (1) Where the Authority is satisfied that-
       (a) no traditional owners can be identified; or
       (b) no agreement has been reached on ownership within the period mentioned in Section 20(3) after the application was made, the Authority may, after consultation with the Minister, make a determination that the Authority is the traditional owner of the traditional knowledge or expressions of culture concerned for the purposes of this Act.

   (2) Where the Authority enters into an authorised user agreement, any monetary or non-monetary benefits arising under the agreement must be used for-
       (a) the protection; or
       (b) the promotion; or
       (c) the safeguarding; or
(d) the preservation, of traditional knowledge and expressions of culture; or
(e) for cultural development purposes.

Division 3. - Authorised user agreements.

25. APPLICATION TO BE REJECTED OR NEGOTIATIONS FOR AGREEMENT.
   (1) The traditional owners shall decide whether-
       (a) to reject the application; or
       (b) to accept the application and enter into negotiations for a written authorised user agreement in relation to the application.

   (2) The traditional owners must advice the Authority either in writing or orally of their decision.

   (3) The Authority shall advice the applicant in writing of the traditional owners’ decision.

26. PROPOSED AGREEMENT TO BE REFERRED TO CULTURAL AUTHORITY.
   (1) Before entering into an authorized user agreement, the traditional owners must refer the proposed agreement to the Authority for its comments on the proposed terms and conditions of the agreement.

   (2) The Authority may request the applicant and the traditional owners to meet with it to discuss the proposed agreement if the Cultural Authority is, after reviewing the proposed agreement, satisfied that-
       (a) the traditional owners do not have sufficient information to make a full and informed decision about the proposed terms and conditions of the agreement; or
       (b) the proposed terms and conditions of the agreement do not adequately protect and safeguard the traditional knowledge or expressions of culture of the traditional owners.

   (3) The traditional owners may accept, reject or modify any comments made by the Authority in relation to the proposed agreement.

27. TERMS AND CONDITIONS.
   An authorized user agreement should include terms and conditions about the following-
(a) sharing of financial and other benefits arising from the use of the traditional knowledge or expressions of culture; and
(b) compensation, fees, royalties or other payments for the use; and
(c) whether the use will be exclusive or non-exclusive; and
(d) duration of the use to be allowed and rights of renewal; and
(e) disclosure requirements in relation to the use; and
(f) the possible sharing by the traditional owners of any intellectual property rights arising from the use of the traditional knowledge or expressions of culture; and
(g) access arrangements for the traditional owners; and
(h) education and training requirements; and
(i) controls on publication; and
(j) specify whether the rights arising under the agreement can be assigned; and
(k) the choice of law in relation to disputes under the agreement; and
(l) respect for moral rights of the traditional owners.

28. FREE, PRIOR, INFORMED AND FULL CONSENT IN AN AUTHORISED USER AGREEMENT.

(1) Where a prospective user and the traditional owners enter into an authorized user agreement, the traditional owners are deemed to have given their free, prior, informed and full consent to the proposed use.

(2) The traditional owners must inform the Authority and forward to it a copy of the final agreement.

(3) The Authority shall keep a register of authorized user agreements which must be in such form and contain such information as the Authority determines.

29. WHERE NO AUTHORIZED USER AGREEMENT REACHED.

(1) Where the traditional owners and the applicant cannot agree on the terms and conditions of an agreement in relation to the application, the traditional owners must advise the Cultural Authority either in writing or orally.

(2) The Authority shall advice the applicant in writing that the traditional owners have rejected the proposed authorized user agreement.
(3) The Authority must record in writing the details of any oral or written advice given under Subsection (1).

**Division 4. - Applications not made under this Part.**

30. PROCEDURE FOR APPLICATIONS.

(1) Nothing in this Act prevents a prospective user of traditional knowledge or expressions of culture from obtaining the free, prior, informed and full consent of the traditional owners without applying to the Cultural Authority under Section 20.

(2) The prospective user shall inform the Authority that the prospective user has sought and obtained the free, prior, informed and full consent of the traditional owners.

(3) The prospective user shall provide the Authority with a copy of the proposed authorized user agreement between the prospective user and the traditional owners for comment and advice about other prospective traditional owners.

(4) Subject to Subsection (5) the prospective user shall provide a Copy of the signed authorized user agreement to the Authority to be entered in the register within 28 days after the agreement is signed between the parties.

(5) If a copy of the authorized user agreement is not provided to the Authority for registration the authorized user agreement is null and void and of no effect.

(6) Where a prospective user and the traditional owners enter into an authorized user agreement the traditional owners are deemed to have given their free, prior, informed and full consent to the proposed use.

(7) The prospective user cannot contract out any obligation under an authorized user agreement.

**PART VI. - ENFORCEMENT.**

**Division 1. - Offences.**
31. OFFENCES IN RELATION TO TRADITIONAL CULTURAL RIGHTS.
Where-
(a) a person makes a non-customary use of traditional knowledge or an expression of culture (whether or not such use is of a commercial nature); and
(b) the traditional owners have not given their prior and informed consent to that use, the person is guilty of an offence.

Penalty: A fine not exceeding K2500.00 or a term of imprisonment not exceeding six months or both.

32. OFFENCES IN RELATION TO MORAL RIGHTS.
Where-
(a) a person does an act or makes an omission in relation to traditional knowledge or an expression of culture that is inconsistent with the moral rights of the traditional owners of that traditional knowledge or expression of culture; and
(b) the traditional owners have not given their prior and informed consent to the act or omission, the person is guilty of an offence.

Penalty: A fine not exceeding K5000.00 or a term of imprisonment not exceeding twelve months or both.

33. OFFENCES IN RELATION TO SACRED-SECRET MATERIAL.
Where a person uses sacred-secret traditional knowledge or an expression of culture other than in accordance with a customary use the person is guilty of an offence.

Penalty: A fine not exceeding K3000.00 or a term of imprisonment not exceeding six months or both.

34. OFFENCES IN RELATION TO IMPORTATION AND EXPORTATION.
(1) Where-
(a) a person imports an article or other thing into Papua New Guinea that relates to traditional knowledge or expressions of culture of another country; and
(b) the person knew, or ought reasonably to have known, that the article or thing would have contravened the traditional cultural rights or the moral rights of the traditional owners had it been created in Papua New Guinea,
the person is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or a term of imprisonment not exceeding two years or both.

(2) Where:
(a) a person exports traditional knowledge or an expression of culture and the export is a non-customary use (whether or not such use is of a commercial nature) and;
(b) the traditional owners have not given their prior, informed and full consent to the export of the traditional knowledge or expressions of culture, the person is guilty of an offence.

Penalty: A fine not exceeding K7,000.00 or a term of imprisonment not exceeding two years or both.

Division 2. - Civil actions.

35. CIVIL CLAIMS.
(1) Where-
(a) a person makes a non-customary use of traditional knowledge or an expression of culture (whether or not such use is of a commercial nature); and
(b) the traditional owners have not given their free, prior, informed and full consent to that use, the traditional owners may institute proceedings against that person in a court of competent jurisdiction seeking all or any of the relief set out in Section 36.

(2) Where-
(a) a person does an act or makes an omission in relation to traditional knowledge or an expression of culture that is inconsistent with the moral rights of the traditional owners of that traditional knowledge or expression of culture; and
(b) the traditional owners have not given free, prior and informed consent to the act or omission, the traditional owners may institute proceedings against the person in a court of competent jurisdiction seeking all or any of the remedies set out in Section 36.
36. REMEDIES.

(1) The Court may grant all or any of the following remedies in relation to proceedings instituted under Section 35-

(a) an injunction; or

(b) damages for loss resulting from the unauthorized use; or

(c) a declaration that the traditional cultural rights of the traditional owners have been contravened; or

(d) an order that the defendant make a public apology for the contravention; or

(e) an order that any false attribution of ownership, or derogatory treatment of the traditional knowledge or expression of culture cease or be reversed; or

(f) an order for an account for profits; or

(g) an order for the seizure of any object made, imported or exported contrary to this Act; or

(h) such other orders as the Court considers appropriate in the circumstances.

(2) The Court in deciding what relief is to be granted may take into account all or any of the following -

(a) whether the defendant was aware or ought reasonably to have been aware of the traditional cultural rights and moral rights of the traditional owners; and

(b) the effect on the honour or reputation of the traditional owners resulting from the unauthorized use; and

(c) anything done by the defendant to mitigate the effects of the unauthorized use; and

(d) any cost or difficulty that may have been associated with identifying the traditional owners; and

(e) any cost or difficulty in ceasing or reversing any false attribution of ownership, or derogatory treatment, of the traditional knowledge or expression of culture; and

(f) whether the parties have undertaken any other action to resolve the dispute.

Division 3. - Defences and other matters.

37. DEFENCES.
It is a defence to an offence against Section 33 and 34, or an action under Section 35 (1) or (2), if a determination has been published under Section 17 and the traditional owners specified in that determination have given their free, prior, informed and full consent to the use in question.

38. OTHER MECHANISMS TO RESOLVE DISPUTE.
Nothing in this Part prevents the traditional owner or the other person concerned from attempting to resolve a dispute using all or any of the following-
(a) mediation; or
(b) alternative dispute resolution procedures; or
(c) customary law and practices.

39. OTHER RIGHTS OF ACTIONS AND REMEDIES.
This Part does not affect any rights of action or other remedies, whether civil or criminal, provided for under any other law.

PART VII.— TRANSITIONAL ARRANGEMENTS.

40. PROCEDURE FOR TRANSITIONAL ARRANGEMENTS.
(1) Subject to Subsections (2) and (3), this section applies to a person if, immediately before the commencement of this Act, the person was making a non-customary use of traditional knowledge or an expression of culture.

(2) The provisions of this Act do not apply to the person during the period of 60 days (“the application period”) starting on the commencement of this Act.

(3) During the application period, the person must apply under Part 4 to the Authority to obtain prior, informed and full consent from the traditional owners to continue to use the traditional knowledge or expression of culture.

(4) If the person does not apply to the Authority in accordance with Subsection (3), the Act applies to the person on and after the end of the application period.

(5) If a person has applied to the Authority in accordance with Subsection(3),
the Act continues not to apply to the person until the traditional owners reject the application or enter into an authorized user agreement with the person, whichever occurs first.

PART VIII. - MISCELLANEOUS.

41. REGULATIONS.
The Minister may make regulations prescribing all matters-
(a) required or permitted by this Act to be prescribed; or
(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act

42. RECOGNITION OF OTHER LAWS.
In accordance with reciprocal arrangements, this Act may provide the same protection to traditional knowledge and expressions of culture originating in other countries or territories as is provided to traditional knowledge and expressions of culture originating in the country.
PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—
"the Commission" means the National Cultural Commission established under the National Cultural Commission Act 1994;
"the Museum" means the National Museum and Art Gallery originally established as the Papua New Guinea Public Museum and Art Gallery established under the Public Museums and Art Galleries Act (Chapter 158) (repealed) and continued in establishment by Section 18 of the Cultural Development Act 1986 and by the National Museum and Art Gallery Act 1992;
"national cultural property" means any property, movable or immovable, of particular importance to the cultural heritage of the country, and in particular (but without limiting the generality of the foregoing) includes—
(a) any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of any of the peoples of the country, past or present; and
(b) any mineral specimen or fossil or mammal remains of scientific or historic interest to the country; and
(c) any other collection, object or thing, or any collection, object or thing of a class, declared to be national cultural property under Section 4; and
(d) any collection of national cultural property;
"proclaimed cultural property" means any national cultural property the subject of a notice under Section 5;
"the regulations" means any regulations made under this Act;
"this Act" includes the regulations;

PART II.—ADMINISTRATION.

2. Delegation.

(1) The Commission may, by instrument under their seal, delegate to a person all
or any of their powers and functions under this Act (except this power of delegation).

(2) A person aggrieved by an act of, or a decision on a matter by, a delegate of the Commission may require that the matter be referred to the Commission, and in that event the act or decision shall not be deemed to be the act or decision of the Council until confirmed by them.

3. Exemptions.

The Head of State, acting on advice given after receiving a report from the Commission, may, by notice in the National Gazette, exempt—
(a) any collection, object or thing; or
(b) any collection, object or thing of a specified class; or
(c) a person, body or authority,
from all or any of the provisions of this Act, subject to such conditions as are specified in the notice.

4. Declaration of national cultural property.

The Head of State, acting on advice given after receiving a report from the Commission, may, by notice in the National Gazette, declare—
(a) any collection, object or thing; or
(b) any collection, object or thing of a specified class,
to be national cultural property.

5. Proclaimed cultural property.

The Head of State, acting on advice given after receiving a report from the Commission, may, by notice in the National Gazette, declare any national cultural property to be proclaimed cultural property for the purposes of this Act.

PART III.—NATIONAL CULTURAL PROPERTY GENERALLY.

6. Compulsory acquisition of movables.

(1) The Head of State, acting on advice given after receiving a report from the Commission, may, by notice to the owner or the person in charge or apparently in charge of any movable national cultural property, compulsorily acquire the property on behalf of the State.

(2) Where any national cultural property is acquired under Subsection (1), the State is liable to pay to the owner compensation in such amount as is agreed on between the Head of State, acting on advice, and the owner or, in default of agreement, as is
determined by action in a court of competent jurisdiction or, if the State and the owner so agree, by arbitration.

7. Compulsory acquisition of immovables.

The purpose of this Act and of the preservation of and protection of national cultural property generally is a public purpose within the meaning of the Land Act 1996.

8. Power to prohibit or restrict acquisition, etc.

(1) The Head of State, acting on advice given after receiving a report from the Council, may, by notice in the National Gazette, prohibit or restrict the acquisition or transfer of any national cultural property specified in the notice.

(2) A person who acquires or transfers any national cultural property in contravention of a notice under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K400.00.

9. Destroying national cultural property.

(1) A person who, without lawful and reasonable excuse (proof of which is on him) wilfully destroys, damages or defaces any national cultural property, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) A person who, by force, threats, fraud, misrepresentation, undue influence or in any other manner, obtains the destruction, damaging, defacing, confiscation or yielding up of any national cultural property is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six months.

10. Power of examination, etc.

(1) Subject to this section, for the purposes of this Act the Commission or a person authorized by the Commission for the purpose may, at any reasonable time and with or without assistants—

(a) enter on and search any land, building, aircraft, vessel or vehicle on or in which there is reasonable cause to believe that any national cultural property or suspected national cultural property is or may be; and

(b) require a person to furnish information concerning, or to produce for inspection, any national cultural property or suspected national cultural property in his possession or under his control; and

(c) seize and detain for further examination any national cultural property or suspected national cultural property.

(2) A person who—

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80 | Intangible Cultural Heritage Safeguarding Efforts in the Asia-Pacific
(a) hinders or obstructs the Commission or a person authorized by the Commission in the exercise of their or his powers under Subsection (1); or
(b) refuses or fails without lawful and reasonable excuse (proof of which is on him), to furnish information or to produce any property when required to do so under that subsection, is guilty of an offence.
   Penalty: A fine not exceeding K200.00.
   Default penalty: A fine not exceeding K10.00.
(3) The power of entry and search conferred by Subsection (1)(a) shall not be exercised except under a warrant in the prescribed form issued by a justice on being satisfied as to the matter specified in that paragraph.
(4) Unless earlier acquired under this Act, any property seized and detained for examination under Subsection (1)(c) shall be returned to the person or place from whom or from which it was seized as soon as may reasonably be after the seizure, and where the property has suffered damage as a result of the seizure or examination or during the detention, the State is liable to pay to the owner compensation assessed in the same manner as under Section 6(2).

11. Photographs, etc.

(1) The Council may require the person having or appearing to have the custody or control of any national cultural property to allow the Council or a person authorized by them for the purpose to take or make a sketch, photograph, model, copy or facsimile of that property, and for that purpose may require the loan of and may remove the property.

(2) The cost of taking or making a sketch, photograph, model, copy or facsimile referred to in Subsection (1) shall be borne by the Commission.

(3) A person who hinders or obstructs the Commission or a person authorized by the Commission in the exercise of their or his powers under Subsection (2), is guilty of an offence.
   Penalty: A fine not exceeding K200.00.

PART IV.—PROCLAIMED CULTURAL PROPERTY.

12. Registration.

The Commission shall, as far as practicable, maintain, in such manner and form as they determine, a register of all proclaimed cultural property, whether within or outside the country.

13. Notification of whereabouts, etc.

Where any national cultural property is declared to be proclaimed cultural property under Section 5, the owner and the person in whose custody or control the property
is at the date of the declaration, and any other person into whose possession or control the property subsequently comes, must—

(a) immediately notify the Commission in the prescribed form, giving the prescribed particulars of the nature, situation and condition of the property; and

(b) immediately notify the Commission from time to time of any change in the situation or condition of the property; and

(c) in the case of a collection that is proclaimed cultural property—give to the Commission at least one month's written notice before breaking up the collection or disposing of any part of it; and

(d) make the property available at all reasonable times for examination by the Commission or a person authorized by them for the purpose.

Penalty: A fine not exceeding K400.00.

Default penalty: A fine not exceeding K20.00.

14. Repair, etc.

The Commission may, out of moneys lawfully available, repair, renovate or preserve, or contribute to the repair, renovation or preservation of, any proclaimed cultural property.

PART V.—PROHIBITED EXPORTS AND IMPORTS.

15. Export of national cultural property.

(1) A person who, without the written consent of the Commission, exports or removes from the country any national cultural property, is guilty of an offence.

Penalty: A fine not exceeding K400.00.

(2) A consent for the purposes of Subsection (1) may be given, in relation to any national cultural property or to a class of national cultural property, by notice in the National Gazette.

(3) A consent under this section may be made subject to such conditions as the Commission think proper, including a condition that the owner of the national cultural property or some other person provide, to the satisfaction of the Commission and free of charge, any sketch, photograph, model, copy or facsimile that the Commission may require.


Any national cultural property exported or attempted to be exported in contravention of Section 15 or of the conditions of any consent under that section is a prohibited export within the meaning of the Customs Act 1951.
17. **Prohibited imports.**

(1) Where the Head of State, acting on advice, is satisfied that arrangements have been made or will be made under the law in force in some place outside the country under which any national cultural property that is a prohibited export from the country under Section 16 is a prohibited import into that place, the Head of State, acting on advice, may, by notice in the National Gazette, declare that the provisions of this section apply in relation to that place.

(2) Where the Comptroller of Customs is satisfied that—
   (a) a collection, article or thing is imported or brought into the country from a place in relation to which this section applies; and
   (b) the export of the collection, article or thing, or of collections, articles or things of a class to which the collection, article or thing belongs or apparently belongs, from that place was prohibited under the law of that place for reasons essentially similar to the reasons for the prohibition of export contained in this Act; and
   (c) the export was in contravention or was apparently in contravention of that law, that collection, article or thing is a prohibited import within the meaning of the **Customs Act 1951** until such time as the Comptroller of Customs is satisfied that the laws in force in the place from which it was exported have been complied with, or their application to the collection, article or thing has been waived by competent authority.

(3) A collection, article or thing that is a prohibited export by virtue of Subsection (2) may, if the Head of State, acting on advice, so directs, be seized, without compensation, by the State and forwarded to the appropriate authorities in the place from which it was exported.

**PART VI.—MISCELLANEOUS.**

18. **Saving of other powers.**

The powers and functions of the Commission under this Act are in addition to, and not in derogation of or substitution for, the powers and functions of the Commission under any other law.

19. **General appeal.**

Subject to Section 6(2), a person aggrieved by a decision of the Commission under this Act may, within the prescribed time and in the prescribed manner, appeal to the Head of State, acting on advice, whose decision is final.

20. **Discoveries of certain things to be reported.**

(1) A person who discovers—
   (a) a cave or other place in which ancient remains, human or other, are to be found; or
(b) a carving, painting or other representation on rock or in a cave; or
(c) a deposit of ancient pottery or historical remains; or
(d) a place used in former times as a ceremonial or burying ground, must immediately give to the Commission particulars of the discovery.

Penalty: A fine not exceeding K40.00.

Default Penalty: A fine not exceeding K2.00.

(2) It is a defence to a charge under Subsection (1) if the defendant proves—
(a) that he did not know that the subject-matter of the charge was a matter or thing referred to in that subsection; or
(b) any other lawful and reasonable excuse.

(3) A person who, without lawful and reasonable excuse (proof of which is on him), wilfully or negligently defaces, damages, uncovers, exposes, excavates or otherwise interferes with a place or object referred to in Subsection (1) without the written consent of the Commission, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

21. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties of fines not exceeding K40.00, and default penalties of fines not exceeding K2.00, for offences against the regulations.
1. Foreword

Papua New Guinea (PNG) is blessed with a multitude of diverse cultures and people. PNG has 850 different and distinct languages which also provide the backdrop to the diversity of cultures present in the country. The country has rich and strong cultures which provide the backbone for the development of the country and its people.

These different and varying cultures are bound to be impacted by other cultures from outside the country. PNG is a member of the international community and thus is bound to encounter the impacts of other cultures through its interactions with the other members of the international community.

The Policy is designed to protect, preserve and promote the country’s traditional knowledge and expressions of culture. It takes a holistic approach to the identification, documentation, storage, management, transmission, access and utilization of traditional knowledge and expressions of culture.

The Policy embraces the interests of both the holders and owners of traditional knowledge and the users of traditional knowledge and expressions of culture and seeks to provide an enabling environment for the mutual and equitable beneficial sharing of benefits derived from the use of traditional knowledge and expressions of culture.

The Policy seeks to implement the latest Somare-Temu Government’s national overarching development plans – the Papua New Guinea Vision 2050 and the Medium Term Development Strategy 2005-2010. The
Policy also seeks to implement the country’s international and regional commitments reflected in international and regional instruments.

commend the efforts of the National Cultural Commission and the leadership of Dr. Jacob Simet – the Director of the National Cultural Commission for completing the Policy as a testament of the Somare-Temu Government’s commitment to the protection, preservation and promotion of the country’s rich and diverse traditional knowledge and expressions of culture.

Minister for Culture and Tourism
November 2009

2. Executive Summary

Papua New Guinea is culturally rich and diverse. The country has 850 distinct languages and a depth of traditional knowledge which is expressed in various forms. This wealth of traditional knowledge and expressions of culture are evolving all the time. Traditional knowledge and culture are therefore not static.

In this modern technological age, traditional knowledge and culture are being challenged in many ways than one. Although traditional knowledge and expressions of culture is always evolving with time, measures must be introduced by the Government to protect, preserve and promote it.

The Policy has taken a three-pronged approach in dealing with traditional knowledge and expressions of culture. These are: (1) protection; (2) preservation; and (3) promotion. The underpinning of protection is to safeguard traditional knowledge and expressions of culture and the holders and owners of traditional knowledge. The preservation of culture focuses on the identification, documentation, management and transmission of traditional knowledge and expressions of culture. The benefits arising as a result of the use of traditional knowledge and expressions of culture must be fairly and equitably shared by the holders and owners of traditional knowledge.
and users of this knowledge. Promotion involves the use of traditional knowledge in both the public and private domain.

A series of measures are promulgated by the Policy to achieve the protection, preservation and promotion of traditional knowledge and expressions of culture. At the core of the Policy are the principles which guide the identification, documentation, storage, access, and management of traditional knowledge and expressions of culture.

The major focus of the Policy is on traditional knowledge and expressions of culture and the holders and owners of traditional knowledge. The storage, management and use of traditional knowledge and expressions of culture are major components of the Policy.

The success of the Policy depends on the commitment of the Government and its institutions and sector stakeholders. Effective collaboration, networking and partnership creation and strengthening are the major drivers of the Policy.

The different strategies and action plans identified in the Policy have been fashioned to achieve the goals of the Policy. They are critical and interdependent. To boost the Policy, a legal framework is required. Law is but just another tool that must be applied to strengthen policy. Appropriate administrative structures and measures are needed to complement the law to obtain the outcomes envisioned by the Policy.

Chapter 1 Introduction

Papua New Guinea (PNG) is a culturally diverse country. It has 850 distinct and different languages and a similar number of cultures. At the core of culture is traditional knowledge. Traditional knowledge has been and continues to be the backbone of the survival and existence of the people of PNG and their identity as a group of people within and outside the country. Papua New Guinea is a dual society with 15% of its population living in the urban areas while 85% of the people dwell in the rural areas. These people depend largely on their traditional knowledge to carve out a lifestyle for themselves in an evolving and contemporary society.
As PNG presses into the technological age, the need to protect, preserve and promote its traditional knowledge and expressions of culture has become an imperative. Unique and innovative ideas and strategies are required to ensure that Papua New Guineans continue to protect, strengthen and promote their custom, culture and traditions in an increasingly changing globalized environment.

This calls for a rethink of the way Papua New Guineans conduct themselves and how they plan their development programs.

A. Policy Issues

Papua New Guinea is developing at a rapid pace. In its short history it has moved quickly into the computer age. As Papua New Guineans move into the unknown future, they should not lose sight of their roots which are embedded in their rich cultures and traditions. PNG is presented with a unique opportunity to maximize technology and modernity to protect, preserve and promote its traditional knowledge and the expressions of its cultures.

The protection, preservation and promotion of traditional knowledge and the expressions of culture must contribute to the sustainable development of local communities and the country. Traditional knowledge and expressions of culture must contribute to the alleviation of poverty, improve health conditions, improve gender equality and community empowerment.

B. Policy Context

The Policy gives effect to the National Goals and Directive Principles of the Constitution. The Policy is guided particularly by Goal 5 which calls for the use of Papua New Guinean ways to promote the development of PNG. Traditional knowledge and expressions of culture finds its place in this Goal.

Relying on Goal 5, traditional knowledge and expressions of culture must contribute to the integral development of Papua New Guineans, strengthen equality and participation, promote self
reliance and contribute to the wise use and management of the country's environment and its natural resources.

The Policy is guided by the two overarching national development policies: (1) the Papua New Guinea Vision 2050; and (2) the Medium Term Development Strategy 2005-2010 (MTDS). The policy therefore compliments the Vision 2050 and implements the MTDS 2005-2010.

The Vision 2050 is a long term development strategy for PNG. It is premised on seven pillars namely:

- Human Capital Development, Gender and People Empowerment
- Wealth Creation
- Institutional Development and Service Delivery
- Security and International Development
- Environment Sustainability and Climate Change
- Spiritual, Cultural and Community Development
- Strategic Planning, Integration and Control

The vision of the Papua New Guinea Vision 2050 is to ensure that “Papua New Guinea becomes a smart, wise, fair, healthy and happy society by 2050”. This calls for a paradigm shift in national development. Traditional knowledge and expression of culture policy is designed to protect, preserve and promote traditional knowledge and expressions of culture to provide opportunities for wealth creation, strengthen people empowerment, ensure cultural and community development and sustainable development.

The MTDS 2005-2010 is a five year plan for economic and social advancement. It is guided by 10 principles which are:

- Private Sector-led Economic Growth
- Resource Mobilisation and Alignment
- Improvements in the Quality of Life
- Natural Endowments
• Competitive and the Global Market
• Integrating the three tiers of Government
• Partnership through Strategic Alliances
• Least Developed Areas Intervention
• Empowering Papua New Guineans and improving Skills
• ‘Sweat equity’ and Papua New Guinean Character

The Policy provides specific mechanisms which are aimed at empowering Papua New Guineans through the use of their traditional knowledge and the use of this knowledge to improve their skills. The Policy also aims at defining the Papua New Guinean character through the strengthening of traditional knowledge and expressions of culture.

The National Traditional Knowledge and Expressions of Culture Policy calls for a paradigm shift in the way PNG perceives traditional knowledge and expressions of culture and implores Papua New Guineans to utilize traditional knowledge to develop innovative ideas to create wealth that can be equitably beneficial to Papua New Guineans.

The Policy is also informed by existing national policies such as: the National Policy on Traditional Medicine; the National Agriculture Development Plan; the National Health Plan; the National Population Policy; the National Food Security Policy; the Integrated Community Development Policy; the National Biodiversity Strategy and Action Plan (NBSAP); the National Education Plan and the Higher Education Plan. A number of draft national policies also inform this Policy. These include the draft National Cultural Policy, the draft Biosafety and Biotechnology Policy, the draft Climate Change and Carbon Trade Policy. These and other sectoral policies have been reviewed to provide a guide to the formulation of this Policy.

An important tool that has been relied on to fashion the Policy is the draft National Cultural Policy and the draft Cultural
Development Plan. Prior to the development of the Policy a number of important interventions had been made by the National Cultural Commission (NCC) and the Tourism Ministry in promoting traditional knowledge and expressions of culture. The body of work that has been collated through the work of the Ministry and the NCC has been used extensively to develop the Policy.

PNG has ratified the Convention establishing the World Intellectual Property Organization, 1967, in July 1997, and the Paris Convention for the Protection of Industrial Property, 1883, in June 1999. It is not party to the Berne Convention for the Protection of Literary and Artistic Works, 1886. It is also a member of the World Trade Organization (WTO) and signatory to the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) since June 1996. Other important international instruments relevant to traditional knowledge and expressions of culture include the Convention on Biological Diversity, the UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage 2003 and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005; the Declaration on the Rights of Indigenous People 2007; and the Millennium Development Goals. These international instruments have also informed the Policy.

The World Intellectual Property Organization (WIPO) has been at the forefront of these initiatives. A number of important issues relating to traditional knowledge and expressions of culture have been and continue to be addressed by WIPO. The Policy has also benefited from the contributions of WIPO through critical reviews and capacity building.

At the regional level, a number of important interventions have been made to engage the governments in the region to introduce regulatory measures to protect, preserve and promote traditional knowledge and expressions of culture. The ‘Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture’ and the ‘Model Law on the Protection of Traditional
Knowledge and Expressions of Culture’ are milestone contributions that have been made by the Pacific regional organizations. The development of the Policy has benefited largely through the financial and technical contributions of the Pacific Islands Forum Secretariat and WIPO.

C. Policy Approach

The National Traditional Knowledge Policy and Expressions of Culture Policy is the result of wide consultations between different stakeholders and the NCC. The adoption by Government of the Policy is a celebration of the country’s diverse and rich cultural heritage.

It was envisioned that the active and effective participation of the stakeholders in the Policy development process will ensure that the Policy adequately captures the visions and aspirations of the different stakeholders. It also ensures that the stakeholders take ownership of the Policy and will consequently actively participate in its implementation.

Chapter 2 Policy Vision, Goals and Principles

The National Traditional Knowledge and Expressions of Culture Policy is be guided by the Vision, Goals and Principles enunciated in this Chapter. The Policy takes a three-pronged approach – protection, preservation and promotion of traditional knowledge and expressions of culture.

Protection – the aim of is to safeguard traditional knowledge and the expressions of culture from misuse and misappropriation. The rights of traditional knowledge holders and owners are also acknowledged and respected by the users of traditional knowledge and where culture is expressed it is respected. Beneficiaries of traditional knowledge must be accorded what is fairly due to them through protective measures.

Preservation – the primary target is the identification, documentation, maintenance, management and transmission of traditional knowledge and
expressions of culture. Respect for secret and sacred traditional knowledge is important. Access to traditional knowledge and expressions of culture which may be captured in databases must be based on respect and where it is accessed, fair and equitable sharing of benefits is imperative.

**Promotion** – traditional knowledge and expressions of culture should be promoted at all levels and at all times because this policy seeks to celebrate the diverse and rich culture of Papua New Guinea. Where traditional knowledge and expressions of culture is used for commercial purposes or where traditional knowledge contributes to innovation, fair and equitable sharing of benefits is a necessity.

**A. Vision**

Traditional knowledge of the people of Papua New Guinea and the expressions of their culture will be protected, preserved and promoted for the benefit of present and future generations.

**B. Goals**

The protection, preservation and promotion of traditional knowledge and expressions of culture is the core goal of the Policy. This can be achieved through the adoption of effective strategies which are cost effective, manageable and achievable. The specific goals of the Policy are:

1. To recognize and respect the role that traditional knowledge and expressions of culture and the holders of traditional knowledge play in the development of the country.
2. To provide measures for the effective protection and preservation of traditional knowledge and expressions of culture.
3. To provide measures for the protection of traditional knowledge holders and legitimate users of traditional knowledge.
4. To safeguard traditional cultures.
5. To promote intellectual and artistic freedom, research and cultural exchange on fair and equitable terms.
6. To provide the enabling environment for monitoring, accessing, and managing traditional knowledge and the expressions of culture.
7. To provide measures to ensure the sustainability of traditional knowledge and the fair and equitable distribution of benefits derived from the use of traditional knowledge and expressions of culture.

C. Principles

Traditional knowledge and expressions of culture is intricately connected to people relations and their relationship with the environment. It plays an important role in fashioning the character and substance of an individual and community. In identifying and adopting the principles, it is essential that the principles are widely accepted and applicable over time. The following principles have universal application and are significant to PNG. In pursuing the goals of the Policy, the following principles should be observed by the Government, the industry, practitioners and holders and owners of traditional knowledge and users of traditional knowledge and expressions of culture-

1. Traditional knowledge and expressions of culture is an integral part of the daily lives of people.
2. A people’s values and aspirations are reflected in their traditional knowledge and its expression in various forms.
3. Traditional knowledge and the expressions of culture is flexible and evolving.
4. Traditional knowledge and expressions of culture is capable of being shared on fair and just terms.
5. Traditional knowledge and expressions of culture is the thread that binds the communities and their relationships to each other and shapes future generations.
6. Traditional knowledge and expressions of culture attract both rights and obligations on both holders and owners, and users of traditional knowledge.

7. Traditional knowledge and expressions of culture empowers people.

8. Traditional knowledge contributes to innovation and technologies for the development of the country.

9. Traditional knowledge and expressions of culture can contribute to the creation and strengthening of relations at the regional and international levels.

10. Traditional knowledge and expressions of culture shapes the Papua New Guinean character.

Chapter 3  Definitions of Traditional Knowledge and Expressions of Culture

This Chapter clarifies the concept of traditional knowledge and expressions of culture and explains the various forms that traditional knowledge and expressions of culture takes.

A. The Issue of Definition

The issue of definition has created controversy and some confusion about the nature and content of traditional knowledge and expressions of culture. In PNG traditional knowledge and expressions of culture in the draft National Cultural Policy refers to “tradition-based literature, beliefs, artistic and scientific works, songs, performances, inventions, scientific discoveries, designs, marks, names and symbols”. This definition is however imprecise and ambiguous.

The working definitions of the two terms are provided by the Model Law on the Protection of Traditional Knowledge and Expressions of Culture. They are very useful and are adopted here for PNG.

**Traditional knowledge** – includes any knowledge that generally-
(a) is or has been created, acquired or inspired for traditional economic, spiritual, ritual, narrative, decorative or recreational purposes; and
(b) is or has been transmitted from generation to generation; and
(c) is regarded as pertaining to a particular traditional group, clan or community of people in Papua New Guinea; and
(d) is collectively or in certain cases individually held.

**Expressions of culture** – means any way in which traditional knowledge appears, is manifested, irrespective of content, quality or purpose, whether tangible, intangible, and without limiting the preceding words includes-

(a) names, stories, chants, riddles, histories and songs in oral narratives; and
(b) art and craft, musical instruments, sculpture, painting, carving, pottery, terra-cotta mosaic, woodwork, metalware, painting, jewellery, weaving, needlework, shell work, rugs, costumes and textiles; and
(c) music, dances, theatre, literature, ceremonies, ritual performances and cultural practices; and
(d) the delineated forms, parts and details of designs and visual compositions; and
(e) architectural forms.

**B. Nature of Traditional Knowledge and Expressions of Culture**

Traditional knowledge is a dynamic system that is intricately linked to the social, political and economic systems of the society. Traditional knowledge is a system which may be culturally expressed through songs and dances, proverbs, stories, folklore, rituals, customary law, and inventions.

Traditional knowledge is mostly commonly owned. However, in some instances sacred and secret traditional knowledge can be held individually. Issues of ownership relating to nature and content of traditional knowledge and expressions of culture, varies from one geographical location to another in PNG.
C. Forms of Traditional Knowledge and Expressions of Culture

3.3.1 Tangible Traditional Knowledge and Expressions of Culture

Tangible traditional knowledge can find expression in: tradition-based literature, artistic and scientific works, performances, inventions, scientific discoveries, designs, marks, names and symbols.

3.3.2 Intangible Traditional Knowledge and Expressions of culture

Intangible traditional knowledge may be expressed through: songs and dances, proverbs, stories, folklore, rituals and customary law.

Chapter 4 Protection, Preservation and Promotion of Traditional Knowledge and Expressions of Culture

Traditional knowledge and expressions of culture has much to offer to the modern society in the areas of food and agriculture, culture, human rights, resource management, sustainable development, conservation of biodiversity and trade and economic development. The protection, preservation and promotion of traditional knowledge and expressions of culture is thus imperative as it centers on questions of fundamental justice and the concomitant right to receive a fair return on what the holders and owners of traditional knowledge have developed.

A. Protection of Traditional Knowledge and Expressions of Culture

The protection of traditional knowledge and expressions of culture ensures that misuse and misappropriation and wrongful exploitation of traditional knowledge and expressions of culture is prevented and where there are infringements, the holders and owners of traditional knowledge are properly compensated. Protection will become relevant only after the traditional knowledge holders and owners are clearly identified and their rights are articulated by the legal framework.
Protection measures should also be flexible to allow for the use of traditional knowledge and the promotion of expressions of culture to generate economic benefits that can lead to the improvement in the livelihoods of the holders and owners of traditional knowledge.

B. Preservation of Traditional Knowledge and Expressions of Culture

The main underpinning of preservation is to maintain the intrinsic value, quality and authenticity of traditional knowledge and expressions of culture for the benefit of present and future generations. To preserve traditional knowledge and expressions of culture, they need to be identified and documented in a systematic manner. The current work being undertaken by the National Cultural Commission in identifying and documenting the traditional knowledge and expressions of culture in the Gulf Province is timely. The Government must continue to support this initiative so that the traditional knowledge and expressions of culture of other regions of the country can be identified and documented and managed for the benefit of present and future generations.

C. Promotion of Traditional Knowledge and Expressions of Culture

Traditional knowledge and expression of culture must be protected in a manner that its intrinsic value is maintained and that it is not misused or misappropriated and wrongfully exploited and that there is equitable distribution of benefits from its promotion. This requires the identification, collection, storage, maintenance and transmission of traditional knowledge and expressions of culture.

Traditional knowledge and expressions of culture must be promoted through the education system in the elementary, primary and secondary school curriculum, acceptable modes of communication such as the print and spoken media and internet, and training. The promotion of traditional knowledge and expressions of culture must ensure that holders and users of traditional knowledge are protected and also gain economically for the use of their traditional knowledge and expressions of culture.
Where traditional knowledge is promoted through traditional knowledge-based innovation, it is crucial that holders and owners of the traditional knowledge are properly acknowledged and the benefits accruing from the innovation are fairly and equitably shared with the holders and owners of the traditional knowledge.

Chapter 5  Implementation

The success of the Policy depends largely on the roles that the Government through the National Authority and related government agencies, traditional knowledge holders, the creative/cultural industries and the civil society play in the protection, preservation and promotion of traditional knowledge and expressions of culture. Each stakeholder is a critical player in this sector. The Government through the National Authority must undertake the task of identification, collection, storage and maintenance of traditional knowledge and expressions of culture, establish a register of relevant stakeholders and may assign specific roles to each or several stakeholders to implement, monitor and evaluate certain components of the Policy.

A. Role of Government

The Government through the National Authority must establish a register of traditional knowledge holders and owners, creative/cultural industries, relevant civil society organizations, relevant government agencies according to a classification system whereby they are clustered according to their roles in the sector. The National Authority must also promote and strengthen networking and collaboration amongst the stakeholders.

The role that relevant government agencies such as the NCC, the Institute of Papua New Guinea Studies; the National Film Institute; National Performing Arts Troupe; National Museum and Art Gallery; the Intellectual Property Office; and the Department of Health; Department of Education; Department of Agriculture and Livestock play in implementing the Policy is obvious. They play an important role. The integration of the objectives and principles of the Policy in
their specific policies and operational manuals will contribute meaningfully to the attainment of the goals of this Policy.

Traditional knowledge and expression of culture contributes to social, economic and cultural development. The identification, documentation, storage and management of traditional knowledge and expressions of culture is a key responsibility of Government. This has been recognized by the Government through the establishment of the NCC, the Institute of Papua New Guinea Studies, the National Film Institute, National Performing Arts Troupe and the National Museum and Art Gallery. These different government agencies are responsible for the identification, collection and documentation, storage and management of traditional knowledge and expressions of culture. The collaboration between these institutions and with other stakeholders in the collection, documentation, storage and management of traditional knowledge and expressions of culture is important for its protection, preservation and promotion.

B. Role of Traditional Knowledge Holders and Owners

Traditional knowledge and expressions of culture is usually owned by local communities. They are the producers, custodians, users and the main beneficiaries of traditional knowledge. Their engagement in the protection, preservation and promotion of traditional knowledge and expressions of culture is undoubtedly very important. Identifying and understanding the link between the traditional knowledge and expressions of culture and the holders and owners of that knowledge and its expression in culture is critical to ensuring that the rights of holders and owners of traditional knowledge are acknowledged, respected and given effect to.

Their active participation in the implementation of the Policy is crucial. The identification, documentation, storage and transmission of traditional knowledge and expressions of culture will require the full cooperation and active involvement of holders and owners of traditional knowledge. The use of customary
protocols for the protection, preservation and promotion of traditional knowledge and expressions of culture can be useful in achieving the goals of the Policy.

The holders and owners of traditional knowledge must be encouraged and supported by the Government and the creative/cultural industries and other stakeholders to utilize their traditional knowledge and expressions of their culture for economic gains by promoting their traditional knowledge and culture.

C. Role of creative/cultural industries

The actors in this category play a crucial role in the protection, preservation and promotion of traditional knowledge and expressions of culture. These players are involved in various activities that impact on different components of traditional knowledge and expressions of culture.

The Government through the National Authority must actively identify those involved in the creative/cultural industries and clarify their roles and initiate programs that will strengthen their capacities and better improve the coordination of their programs and activities to reduce duplication, misapplication of resources and prevent the misuse and misappropriation of traditional knowledge and expressions of culture.

Proactive measures are needed to promote greater and better cooperation between the industry and the holders and owners of traditional knowledge to ensure that there is mutual respect between the parties and that where traditional knowledge and expressions of culture are utilized by the industry, benefits accruing from the use of traditional knowledge and expressions of culture are shared in an equitable and fair manner.
D. Role of provincial and local-level governments

Provincial governments are mandated under the Organic Law on Provincial and Local-level Governments 1995 to establish and manage cultural centres which encompass traditional knowledge and expressions of culture. A similar mandate is also given to local-level governments. Measures must be introduced to improve the networking between Provincial and local-level governments and the National Authority and between and amongst provincial and local-level governments.

Such measures may include the training of relevant provincial and local government officers and the conduct of programs jointly at the provincial and local government levels. These programs may include the identification, documentation and management of traditional knowledge, cultural shows, craft markets, establishment of cultural centres and collaborative research.

E. Data collection, storage, management and access

Data collection, storage, management and access is crucial where traditional knowledge and expressions of culture has already been captured. The task of identifying and documenting traditional knowledge and expressions of culture must be undertaken jointly by the Government and the holders and owners of traditional knowledge. Customary protocols relating to the identification, documentation, storage and management must be respected and the prior informed consent of the holders and owners of traditional knowledge must be obtained before documentation and access to the stored data. The Government must provide adequate and consistent funding to the sector institutions to undertake this important task.

Data plays an important function in the protection, preservation and promotion of traditional knowledge and the expressions of traditional culture. Specific rules and guidelines which acknowledge customary protocols must be introduced to enable
access to and the management of data. The National Authority may develop and introduce these rules and guidelines.

F. Gender and Traditional Knowledge and Expressions of Culture

Men and women play a critical role in the protection, preservation and promotion of traditional knowledge and the expressions of culture. The status and role of women have been given prominence at the international and regional levels. Women usually play an integral role in the expressions of culture and are sometimes (together with their male counterparts), holders and owners of traditional knowledge. In the Policy they are recognized as equal partners in the protection, preservation and promotion of traditional knowledge and expressions of culture.

The Government is supportive of this paradigm shift. The important role that women play in society and their hierarchical standing in certain societies in PNG must be strengthened and promoted.

G. Education and Awareness

The importance and role of traditional knowledge and expressions of culture in the sustainable development of PNG must be appreciated and celebrated through education and awareness programs. This may entail the introduction of educational programs or curriculum in the education sector and the consistent transmission of knowledge on the subject though the media and other outlets.

The role of research institutions and individuals may be considered here as their knowledge on traditional knowledge and expressions of culture contributes to education and awareness. Their knowledge may also contribute to the introduction of innovative technologies. The way researchers conduct their research on traditional knowledge and expressions of culture and their use of the traditional knowledge must be based on respect for the holders
and owners of traditional knowledge and their traditional knowledge and expressions of culture.

The active participation of all stakeholders in this area will be critical to the achievement of the goals of the Policy. The strengths of partners should be capitalized to promote education and awareness of the value and role of traditional knowledge and expressions of culture in the development of the country.

Chapter 6 Programs Priorities

The Policy adopts a series of strategies and action plans that must be undertaken to ensure the effective implementation of the Policy. The Government has to systematically deal with each and every program in an efficient manner so that each program is given equal weighting. However, the programs can be prioritized as follows:

A. Introduce and implement a national program on the identification, documentation, storage and management of traditional knowledge and expressions of culture.
B. The identification and where appropriate the registration of holders and owners of traditional knowledge and expressions of culture in a systematic manner and across geographical boundaries of the country.
C. Improve coordination and collaboration between the government institutions in the sector to improve their roles and functions and operations relating to the identification, documentation, storage and management of traditional knowledge and expressions of culture. This activity may involve both institutional and personal capacity building and strengthening. This can be done through administrative processes or legislative alignment.
D. The development and introduction of legal rules and standard protocols on the protection, preservation, management and access to traditional knowledge and expressions of culture.
E. The development of a legislation to protect, preserve and promote traditional knowledge and expressions of culture.
F. Develop, promote and strengthen programs geared at utilizing traditional knowledge and expressions of culture for the economic
benefit of holders and owners of traditional knowledge.

G. Design and introduce programs and activities which will enable the active participation of holders and owners of traditional knowledge including women and girls in the protection, preservation and promotion of traditional knowledge and expressions of culture.

H. Networking and partnership strengthening of sector stakeholders in protecting and promoting traditional knowledge and expressions of culture. This can be achieved by clarifying the roles and functions of stakeholders.

I. Design an administrative system of protecting traditional knowledge and expressions of culture particularly in relation to designs, copyright and patents.

J. Promote educational and awareness programs aimed at protecting, preserving and promoting traditional knowledge and expressions of culture.

Chapter 7 Strategies and Action

The protection, preservation and promotion of traditional knowledge and expressions of culture will be undertaken through the following strategies and action plans. It is important to understand that these strategies and action plans are not exhaustive. The strategies and action plans have been designed to maximize existing opportunities and address existing and future challenges.

A. Strategy on Protection of Traditional Knowledge and Expressions of Culture

The Government through the NCC currently has a draft National Cultural Policy which contains snippets of references to traditional knowledge and expressions of culture. This Policy will now be the overarching national policy on traditional knowledge and expressions of culture. The Government through the National Authority must develop and introduce programs and develop guidelines specifying the manner in which traditional knowledge and expressions of culture can be protected.
- Action Plan

- Develop and introduce programs to protect traditional knowledge and expressions of culture from misuse and misappropriation. These programs may include: (a) conducting joint activities with partners in the sector; (b) entering into partnership agreements with creative/cultural industries for the protection of traditional knowledge and expressions of culture; and (c) engage holders and owners of traditional knowledge in policing the Policy and the legislation on the protection, preservation and promotion of traditional knowledge and expressions of culture.

- Introduce and implement awareness programs aimed at the protection of traditional knowledge and expressions of culture. Activities may include: (a) awareness in the print and voice media about the value of traditional knowledge and expressions of culture to Papua New Guineans; and (b) inform the holders and owners of traditional knowledge about their rights relating to their traditional knowledge and expressions of culture through the print and voice media and other mediums.

- Design and implement an effective program to engage with holders of traditional knowledge in pursuing activities that strengthens their traditional knowledge. This may involve the staging of cultural shows, arts and craft shows and exposure to international cultural events.

- Develop protocols for accessing and using traditional knowledge and expressions of culture for private and public use. Rules and procedures relating to prior informed consent of holders and owners of traditional knowledge must be established before access is allowed.

- A mechanism for the fair and equitable sharing of benefits arising from the utilization of traditional knowledge and expressions of culture must be formulated to enable holders and owners of traditional knowledge to benefit from the use of their traditional knowledge and culture.
B. Strategy on Preservation of Traditional Knowledge and Expressions of Culture

The Government through the National Authority must develop guidelines specifying the manner in which traditional knowledge and expressions of culture can be preserved.

- Action Plan

- Develop and implement as soon as is practicable protocols containing rules for obtaining prior informed consent of holders and owners of traditional knowledge for the identification, documentation and storage of traditional knowledge and expressions of culture.
- Develop a national program for the identification and documentation of traditional knowledge and expressions of culture.
- Introduce a register of holders and owners of traditional knowledge and expressions of culture identified in (2) and where appropriate obtain prior informed consent for the access to and use of the database containing traditional knowledge and expressions of culture.
- Introduce protocols for the storage, management and access to traditional knowledge and expressions of culture.
- Develop and introduce a set of guidelines setting out the benefits that may be paid to holders and owners of traditional knowledge for the access to and use of traditional knowledge and expressions of culture.

C. Strategy on Promotion of Traditional Knowledge and Expressions of Culture

The Government through the National Authority must develop guidelines specifying the manner in which traditional knowledge can be promoted. The National Authority must also collaborate with the Education Department and the Office of Higher Education in developing and where there already exists a curriculum on
traditional knowledge and expressions of culture, strengthen the curriculum through reviews and training of teachers.

- **Action Plan**

  - The National Authority must ensure the effective coordination of the programs and activities of the Institute of Papua New Guinea Studies, the National Film Institute, the National Performing Arts Troupe to promote traditional knowledge and expressions of culture.

  - Introduce guidelines regulating the operations of the creative/cultural industries relating to the handling and use of traditional knowledge for commercial purposes to ensure that holders and users of traditional knowledge benefit fairly and equitably in the utilization of their traditional knowledge and the expressions of culture.

  - Liaise with the Education Department and the Office of Higher Education for the review of curriculum on traditional knowledge and expressions of culture.

  - Develop and implement sub-national consultation programmes for the engagement of provincial and local-level governments to improve their roles in the promotion of traditional knowledge and expressions of culture.

**D. Strategy on the Engagement of Holders and Owners of Traditional Knowledge**

The status and role of holders and owners of traditional knowledge are given prominence in the Policy. Their engagement must be based on the value that their traditional knowledge and expressions of culture contribute to national development and the Papua New Guinean character. The Government through the National Authority must ensure that the rights and interests of holders and owners of traditional knowledge are safeguarded so that their traditional knowledge and expressions of culture are not misused and misappropriated and wrongly exploited.
• Action Plan

- Establish a register of holders and owners of traditional knowledge and expressions of culture.

- Develop outreach programmes to inform and educate holders and owners of traditional knowledge about their rights and obligations relating to their traditional knowledge and expressions of culture.

- Develop and implement programmes that involve the holders and owners of traditional knowledge in the effective protection, management and promotion of their traditional knowledge and expressions of culture.

- Support holders and owners of traditional knowledge with training relating to the management of financial benefits that may arise with the utilization of their traditional knowledge and expressions of culture.

- Design and implement programmes that provide opportunities to the holders and owners of traditional knowledge to promote their traditional knowledge and the expressions of their culture.

- Provide opportunities for the creative/cultural industries to engage with the holders and owners of traditional knowledge to explore potential commercial ventures that deliver economic benefits to the parties on a fair and equitable basis.

- Develop and implement guidelines for the engagement of holders and owners of traditional knowledge in research relating to traditional knowledge and expressions of culture and innovation.

E.Strategy on Partnership and Networking

The National Authority must develop guidelines specifying the manner in which stakeholders can protect, preserve and promote traditional knowledge and the expressions of culture.
• Action Plan

- Establish a database of all stakeholders (other than government agencies and institutions) which are involved in the protection, preservation and promotion of traditional knowledge and expressions of culture.

- Develop and implement a programme for the conduct of regular consultations with both the creative/cultural industries and government institutions in the sector to monitor the implementation of the Policy.

- Strengthen the role of provincial governments and local-level governments in the protection, preservation and promotion of traditional knowledge and expressions of culture through regular consultations, training and collaboration in joint programs and activities such as cultural shows, establishment of craft markets, and cultural centres.

- Establish and strengthen networking and collaboration with and between stakeholders in the area of education and awareness on traditional knowledge and expressions of culture.

F. Strategy on Gender and Traditional Knowledge and Expressions of Culture

The National Authority must develop programs and promote activities that will ensure the active participation of women and girls in the protection, preservation and promotion of traditional knowledge and expressions of culture.

• Action Plan

- Develop programmes designed specifically for the engagement of women and girls particularly in the area of training so that they can actively and fully participate in the protection, preservation and promotion of traditional knowledge and the expressions of culture.

- Liaise with provincial governments and local-level governments with the view to strengthening the role of
women in the promotion of traditional knowledge and expressions of culture.
- Liaise with the creative/cultural industries to develop programmes that protect the value and contribution of women and girls in the protection, preservation and promotion traditional knowledge and expressions of culture.

G. Strategy on Identification, Documentation, Management and Access to Traditional Knowledge and Expressions of Culture

The National Authority must in close consultation with the Institute of Papua New Guinea Studies, the National Film Institute, the National Museum and Art Gallery formulate and adopt a national programme for the identification, collection, recording and storing of traditional knowledge and expressions of culture and the access to this data.

- Action Plan
  - Introduce protocols for the identification and documentation of traditional knowledge and expressions of culture. These rules may include customary protocols relating to access, storage and use of traditional knowledge and expressions of culture.
  - Develop and implement rules and guidelines relating to the storage, management and access to the database on traditional knowledge and expressions of culture.
  - Identify and train officers of the National Authority and other related agencies of Government on the collection, assessment and management of data relating to traditional knowledge and expressions of culture.
  - Develop a national database on the storage and management of traditional knowledge and expressions of culture.
H. Development of a legislation to Protect, Preserve and Promote Traditional Knowledge and Expressions of Culture

The Policy provides a framework for the protection, preservation and promotion of traditional knowledge and expressions of culture. To be effective, it requires the support of law. In this context, it is essential that a legislative framework be introduced to compliment the Policy.

The law must provide for the protection, preservation and promotion of traditional knowledge and expressions of culture.

- Action Plan
  - Develop a legislation for the protection, preservation and promotion of traditional knowledge and expressions of culture.
  - Design and implement an effective programme for the monitoring and enforcement of the law.
  - Adopt and implement a programme on awareness of the law.

Chapter 8 Monitoring and Evaluation

The Policy will be monitored and evaluated on a regular basis to ensure its effectiveness. The monitoring and evaluation of the Policy must be undertaken using the indicators that are developed and approved by the National Authority. Data and information collected must be carefully analyzed by the National Authority to strengthen the implementation of the Policy.

The National Authority must collaborate with the other government agencies within the sector to monitor the implementation of the Policy through the collection of and analysis of data to improve the implementation of the Policy.
A. National Authority

A National Authority will be established to oversee the implementation of the Policy. The National Authority may be established as a stand-alone institution or an existing national institution may be designated as the National Authority. To avoid issues of duplication and excesses of resources, it is suggested that the NCC be declared the National Authority for the purposes of the Policy.

B. Indicators

The National Authority must develop appropriate performance indicators to monitor the effective implementation of the Policy.

C. Monitoring

The National Authority will be responsible for the monitoring of the Policy. This task may be undertaken by the National Authority acting alone or in close collaboration with other stakeholders.

D. Evaluation

This task may be undertaken either by the National Authority. The monitoring and evaluation of the Policy must be based on the indicators developed and approved by the National Authority.
Traditional woven mats

Debrief of the first regional Cultural Mapping Pilot Project

a young man smoking local tobacco

First Aid Kits for field workers

Two widow mourning

missionary intervention
Family going out fishing

Research team

Villagers transport betel nuts in their rafts

A plant used to produce colour red

house

An elementary classroom
dug-out canoe

interview session

old man illustrates traditional way of preparing food

research team travels

A clan leader

Kundu Drums
research team members reading and recording the Global Positioning System (GPS)

A traditionally woven arm band

full traditional attire.

interview session

interview session.

traditional clay pots used for cooking.
lowlands

the traditional way of making fire

research team
two Paramount Chiefs for the lowlands

the art of mat weaving
field visits
Intangible Cultural Heritage Safeguarding Efforts in the Asia-Pacific

Hell's Gate

Grass-skirts

Head-dress made from Cassowary feathers

Another traditional dress attire

A traditional performance necklace made of dog's teeth

A traditional tool for pounding and beating
Traditional kitchen utensils

A research team leader

Researchers

research team interviews