

V. iTaukei Institute of Language and Culture

1. Institutional Overview

The iTaukei Institute of Language and Culture (“Institute”) is located at 87 Queen Elizabeth Drive, iTaukei Trust Fund Complex, Suva, Fiji Islands. The Institute has evolved from the Fijian Dictionary Project, established in 1974 with the main aim of compiling a dictionary of standard Fijian with Fijian definitions. The project was attached to the Office of the Prime Minister until January 1985 when it was transferred to the Ministry of Fijian Affairs. Funding for the project originally came from the American-Fijian Foundation, chaired by the late famous actor Mr Raymond Burr, the Australian Government’s Fund for the South Pacific Cultures, and the Fiji government. In 1986, the Fijian Great Council of Chiefs approved that the Fijian Dictionary Project changed its name to the Institute of Fijian Language and Culture.

In 2003, Cabinet endorsed the adoption of the Model Law on Traditional Knowledge and Expression of Culture framework for drafting a national legislation to protect Indigenous (“iTaukei”) intellectual property (“IP”) rights. The *National Inventory for Traditional Knowledge and Expressions of Culture* project was then established. An electronic data registry was established to store traditional knowledge and cultural expressions collected from the Cultural Mapping Programme (“CMP”). The CMP was to be undertaken in the fourteen provinces of Fiji. It was piloted in Colo-i-Suva (Naitasiri) and Nakavu (Namosi) in 2004. The CMP commenced in June 2005, and the eight provinces mapped thus far are Namosi, Serua, Rewa, Tailevu, Lomaiviti, Ra, Bua, and Naitasiri. The remaining provinces are Nadroga, Ba, Kadavu, Cakaudrove, Macuata, and Lau.

The Institute’s main objectives are as follows.

- To compile a monolingual iTaukei dictionary
- To encourage and facilitate the use and study of iTaukei and Rotuma languages and cultures
- To preserve and safeguard iTaukei language & culture

The Institute undertakes archival and field research.. The range of topics covered is enormous, including traditional religious beliefs, knowledge of the environment, natural history, social structure, kinship, music, dance, games, and traditional technologies such as agriculture, fishing, house building, pottery, canoe construction, and sailing. Currently, the major media through which the results of this research are disseminated are the popular half-hour weekly radio programme *Na Noda Vosa* on Radio Fiji One. Through a thirty minutes programme, it disseminates to its audience information of historical significance, customs, natural History, herbal medicine, handicrafts, legends, and languages of Fiji.

Another important research activity undertaken by the Institute includes the filming or video shooting of iTaukei ceremonies associated with the installation of chiefs, solemnity and funeral proceedings of the death of a chief, presentation of the first born, and other customary rituals. Sometimes, the Institute is not fully aware of occurrences and instances as such, thus the general public is advised to inform the Institute prior to any traditional undertakings.

The Institute has been preparing to initiate a publication programme, and a large number of works are in the final stages of editing, including books on legends, local history, traditional medicine, translation techniques, and translations from English to valuable historical material. These will be available for purchase once published and will be publicised widely.

The Institute plays an important role as a resource centre for local and overseas researchers. The Institute's services are used by government departments, private organisations, and researchers at all levels, ranging from primary school children to representatives of the *vanua* to university professors. The Institute has played an important role in the production of a number of documentary and promotional films, most notably the BBC Natural History Units, *Nomads of the Wind* series on the history of man and the environment in the Pacific, which has been enjoyed by millions in Europe and North America. The Institute constantly liaises with local broadcasters and publishers to improve translations and the coining of new words that are needed for the indigenous Fijian language to function in today's world. It has also been involved with the University of the South Pacific through the iTaukei Trust Fund Board in developing courses in iTaukei language studies.

The Institute is also committed to demonstrating that iTaukei language and culture are compatible with the modern world through the observance of

traditional customs of respect within the office. As far as practicable, all communications, oral and written, is in the iTaukei language.

The Institute also attends to invitations and requests received from church institutions, schools and the general public for lectures pertaining to iTaukei language and culture. However, requests or invitation received are first assessed to ascertain if it is aligned to the objective and role of the Institute, and the geographical proximity of the lecture venue.

In 2003, the Cabinet endorsed the then Ministry of Fijian Affairs Culture and Heritage to draft legislation specifically to protect traditional knowledge and expressions that are manifested through the local customs and traditions of iTaukei. The initiative emanated from increasing concerns regarding the misuse, misinterpretation, and misappropriation of aspects of iTaukei culture without due acknowledgement according to the custodians. The draft law is termed Legislation on Indigenous Intellectual Property Rights and it will assist in the protection against exploitation of traditional knowledge and expression of culture abundant in local settings. The draft legislation has been completed and is before the Attorney General's Office.

The Institute's the Culture Mapping Programme covers the fourteen (14) provinces in Fiji, and radio programmes are broadcasted locally and internationally as the radio station that broadcasts the programme has programmes online.

Video filming and shooting are done locally, whereas productions are distributed both internationally and locally.

The Institute also facilitates the publications of the 'Lialiaci' highlighting the activities of the Institute and is distributed to primary and secondary schools, Provincial Council offices, iTaukei institutions, educational institutions, stakeholders and respective individuals.

Invitations and requests are normally received locally.

The Institute also engages in information exchange with some of the countries in the Pacific. Once, a delegate from Papua New Guinea spent three months at the institute studying the implementation procedures of Culture Mapping Programme with the intention to introduce the CMP in Papua New Guinea. The Institute also receives invitations to present at conferences and workshops in Korea, Japan, China, and countries Europe.

The kind of ICH the Institute of iTaukei Language and Culture specialises in is identifying and documenting the different types of traditional data and cultural expressions from mapped villages. These include art and crafts, dances, chants, music, dialects, ceremonies, cooking, fishing, medicine, hair dressing, midwifery, agriculture, canoe and house building, games, engagements and weddings, myths, and legends.

The Institute is a government Department associated with the DNHCA, the Fiji Museum, and the Fijian Affairs Board. The Institute also collaborates with Fiji museums for the mapping and gazetting of heritage sites identified through culture mapping exercise. The Fijian Affairs Board, the Provincial Council Offices, the Fiji Arts Club, and the Department of Environment are some of the other affiliated organisations.

The CMP and the operational cost of the Institute are fully funded by the government.

2. Information Building and Sharing

The Institute's on-going activities are in identification, documentation, inventory making, database/archive building, and publication and distribution. The Institute is also heavily involved in identifying, documenting, inventory making and database /archive building of the iTaukei traditional knowledge and cultural expressions. They have researchers assigned every week to conduct village research. These officers spend four days in the villages to capture traditional data through audio and video recordings and still images. Informants are also required to sign consent forms before participating in the interviews.

After collecting traditional data, the next stage is to process the captured data. This is where the CMP secretary receives and records the audio and video tapes, still images, village reports, signed consent forms, TK & EC summaries, heritage sites, and identified living human treasures. Audio and video tapes and still images are labelled and distributed for transcribing and editing before being entered into the TK & EC database.

The TK & EC database is the first ever in the iTaukei language, and all traditional information is verified before being entered into the database. Accessing information in the database is only done with the consent of the custodians.

The identification of heritage sites and living human treasures is also part of the programme. All identified heritage sites are scrutinized before recommended to the Fiji Museums for mapping and gazetting. The Institute only identifies and documents heritage sites as these link traditional ties with the early migration of ancestors. There is also a separate database for heritage sites.

The CMP has also identified unique traditional crafts skills and other aspects of iTaukei culture in danger of being lost. The special revival unit conducts revival workshops aimed at reviving the dying tradition and crafts. The unit is also responsible for the proper recognition of those who have unique traditional knowledge and skills under the Living Human Treasure (“LHT”) programme. There is also a separate database for LHT.

The Institute has been preparing to initiate a publication programme, and a large number of works are in the final stages of editing, including books on legends, local history, traditional medicine, translation techniques, and translations from English to valuable historical material. These will be available for purchase once published and will be publicised online.

As mentioned, the Institute carried out and supervised the CMP. The Pacific region developed a Pacific Regional Framework in close consultation with the SPC, UNESCO, the Forum of Pacific Island Member Countries and Territories, and the Council of Pacific Arts in 2002. This is reflective of developments taking place at WIPO and UNESCO. The framework was developed in response to calls from the region, in the face of increasing exploitation and inappropriate commercialisation of traditional knowledge and expressions of culture. The challenges facing Fiji today in its quest to safeguard traditional knowledge and prevent its dissipation for the benefit of future generations are common to many developing countries. They include the pressures of urbanisation and the promises of modern urban living that have produced an apathetic youthful population that is increasingly losing connectedness with their cultural roots.

Conducting the CMP exercise has positively affected the lives of the iTaukei communities.

- It has revived various aspects of iTaukei tradition and culture
- It increases the level of appreciation and value to traditional and cultural aspects
- It increases the sense of realising the significance of traditional structures and lifestyles.

- Discussions of traditional knowledge and cultural expressions held during interviews are a form of knowledge transmission to the current and younger generations.
- Requests have been received from the public requesting revitalisation workshops to educate and transfer traditional knowledge to the current and future generations.

The Institute has also attracted the attention of other countries intending to implement cultural mapping. Establishing a traditional inventory through culture mapping and drafting national legislation to protect the iTaukei IP rights have attracted the attention of all the iTaukei communities, NGOs, universities, businesses, media organisations, and others interested in the traditional knowledge and cultural expressions data available in the Institute.

The database/archive was an activity that the Institute was involved in and ICH-related data were achieved through fieldwork and documentation. Data archiving at the institute is arranged in the foregoing format:

Data No: IPR09391

Type: Audio Recording

Form: Analogue Cassette

Researcher: Simione Tuimalega (Field Researcher)

Interview Site: Naveicovatu Village, District of Naloto, Tailevu Province.

Date of Interview: 16 – 19/06/2009.

Information: The cassette records detailed information of the informants and the history of the vanua of Naloto and its traditional ties, early migration, and the meaning of the village name.

The Institute only keeps information for the Naveicovatu villages, and accessibility to the information can be done with the consent of the Naveicovatu tribal and clan leaders.

3. IP in the Institute

The main objective of the CMP is to collect and document aspects of iTaukei culture, such as ceremonies, dialects, and heritage sites and stories that are well and alive in local villages. With the continual loss of one's fervent grasp of local cultural ideals and values, a team of researchers is tasked with the important responsibility of documenting, editing, and inputting information into a database for future generations. The programme foresees the timely research of all the various *vanua* around Fiji before knowledgeable elders pass away.

Traditional data collected from the field are captured through audio, video, and still images. After processing these data by transcribing and editing, the information copyrights belong to the Institute whereas those who intend to access this information have to seek the consent of the *vanua*. This is mainly to protect against the exploitation of traditional knowledge and expressions of cultures. There is only certain amount of information authorised by the custodians for publications and broadcastings like myths and legends.

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The Institute has a principle for protecting IP aspects of ICH. The only principle is that all information collected from the field belongs to the institute and accessibility is granted only with the consent of the custodians as a way to protect against the exploitation of traditional knowledge and expression of culture of the suppliers of the information. (Annex 1. MOU for Ovalau)

4. IP Issues in Information Building and Sharing

Issues similar to those already mentioned have also surfaced in the CMP. These issues have surfaced in the identification, documentation, inventory making, and database building activities to preserve the iTaukei language and culture and also to protect against the misappropriation of traditional knowledge and cultural expressions.

Some of the problems that surfaced are listed below:

- compliance with the country's laws and regulations or customs concerning ICH information building and sharing activities
- identifying the nature of rights existing on ICH that will be used in information building and sharing activities
- identifying the nature of rights existing in ICH
- ownership of ICH
- prior informed consent or approval
- maintenance of collected information
- adaptations

- secret, sacred, or confidential ICH
- bearers' moral rights
- sharing of benefits
- unfair use or misuse of ICH material
- portraits, filming, and reproduction
- use of ICH as a trademark, geographical indication, or domain

The stages in which most of the issues surfaced were the following.

- preparation
- collecting and creating information
- maintaining information
- processing and producing information

Problem regarding ownership of ICH—this involves owners whose gifts and skills are from maternal links. Sometimes there is confusion whether inherited gifts and skills belong to the village of marriage or only to the maternal side of the family. Sometimes it was difficult to determine who the rightful ICH owner was. These were specified in the reports.

The Institute does not have any guidelines, policy, or protocol regarding legal issues that would surface in the various stages. The draft legislation can be considered for this. The Institute has a two-way symmetrical relationship with ICH subjects.

Also the Institute has included IP matters in the institute's vision and mission.

Vision

An Enlightened Vanua for a Progressive Fiji.

The Ministry of iTaukei Affairs will continue to ensure that the government will develop, maintain, and promote policies that will provide for continued good governance and welfare of the iTaukei into the future.

Mission

We will strive to create an enlightened Vanua for a progressive Fiji.

- The development of relevant policies, programmes and legislation
- The arrangement and nurturing of smart partnerships with our stakeholders

- The conduct of focused capacity-building initiatives
- The empowerment of the iTaukei people through an appropriate institutional framework of governance

As mentioned, the Institute works to preserve iTaukei cultural aspects and creates an inventory specifically to protect iTaukei traditional knowledge and expressions of cultures against misappropriation.

Bearers, practitioners or communities are the Institute's major sources of traditional information. Without their participation, the Institute cannot capture the authentic and accurate information needed. The importance of choosing an informant who is well informed has always been emphasised. All informants who give data during mapping exercises sign a consent form prior to interviews and recordings.