

II. Safeguarding System & Policy

1. Laws and Policies

Republic of Palau has several laws and policy in place to safeguard and promote its cultural practices and knowledge. The various laws begin with the constitution recognizing the traditional laws as the original laws of the land with authority equal to that of the statutory laws. Subsequently, a Historical and Cultural Preservation act was created to establish the governmental agencies who will be responsible for the purpose of the protection and promotion of Palau's cultural knowledge and practices. A critical proposed law for protection of Palau's intangible cultural heritage is the listed pending proposed law of "Traditional Knowledge and Expressions of Culture," which is pending at the Palau's national congress, Olbiil er a Kelulau.

The following is an excerpt from Palau Cultural Mapping that provides an overview of the laws of Palau in promotion of cultural heritage protection (Kloulechad-Singeo 2012).

Efforts to protect and promote culture in Palau, is ongoing as new threats and challenges are encountered by the various contributors to cultural preservation and practice. Below is a list of current and pending statutes on culture;

- A. Constitution- article 5, Traditional Rights
 - 1) Government shall take no action to revoke the role or functions of traditional leaders...
 - 2) Statutes and Traditional law shall be equally authoritative.
- B. Title 19 – Historical and Cultural Preservation Act RPPL 1-48 1995;

This act provides statutes for the development of the following governmental agencies and the required rules, regulations, and operational structures in order to function properly. Legal Establishment of the following agencies;

- Division of Cultural Affairs
- Belau National Museum
- Palau Historical and Cultural advisory board
- National Archive
- Cultural and Historical Preservation activities of the State
- Historical Sites and Tangible cultural properties
- Palau Lagoon Monument
- Environmental Protection
- Wildlife Protection

Additionally the act call for the development of the following functions within the above mentioned governmental agencies.

- Administration, protection and development
 - Permits to examine
 - Rules and regulations
 - Penalties
- C. Copyright Act – RPPL No. 6-38 Jan 2001
- Copyright protection of original works and for the protection of performer’s rights; and for other related purposes
- D. Language Commission- RPPL No 8-53 Apr 2009
- Establish Palau language commission to provide for the preservation and development of Palauan language; and for other related purposes.
- E. State Level – Govern under the Title 19 for the role of States for historical and cultural preservation. All identified and registered historical sites are protected under State laws.

Table3. Palau Register of Historic Places, BAC

State	Title	No
Ngarchelong	To create Ngarchelong State Board of Historical & Cultural Preservation, Office of Historical and Cultural Affairs and for other purposes	NSGPL No. 89 2000
Melekeok	To create a Melekeok State Board of Historical & Cultural Preservation, Office of Historical & Cultural Affairs and to prescribe certain functions and duties of the Historical & Cultural Affairs and for other purposes	Melekeok State Bill No. 15 (1985)
Ngeremlengui	To create a State Board of Historical & Cultural Preservation Office of Historical & Cultural Affairs and to prescribe certain functions and duties of the Historical & Cultural Affairs and for other purposes	Public Law No. 21-89 (1989)
Angaur	To create an Angaur State Board of Historical & Cultural Preservation and to prescribe its powers, functions and duties and for other purposes	A.P.L. No. 13-03 (2007)
Ngchesar	Elmo omekdubech ra Ngchesar Historic Sites Commission; e omechobech a ngerchelel ma sekining er ngii; mo omekdubech ra Obis ra State el Obis ra Historical Sites ma Antiquities, ma kuk di ngodech lobengkel teгой	Ngchesar State Public Law No. 34 (1986)
Hatohobei ASPL No. A	To create a Hatohobei State Board of Historical & Cultural Preservation, to prescribe certain functions and duties therefore, and for other related purposes	HSPL No. 6-55-06 (2006)
Aimeliik	Relating to historical sites and antiquities, and for other purposes	ASPL No. 3-18 (1989)

Airai	To create an Airai State Advisory Board of Historical & Cultural Preservation, Office of Historical & Cultural Affairs and for other purposes	ASPL No. A-2-27-97 (1997)
Peleliu	To prohibit the taking or removal of artifacts, relics, human remains or the ashes of human remains, and other historical property in the State of Peleliu, to provide penalty, and for related purposes	Peleliu State Public Law No. 09-83 (1983)
Ngaraard	To create the Ngaraard Historic Sites Commission; to prescribe its duties and responsibilities; to establish the State Office of Historic Sites and Antiquities, and for other purposes	NSPL No. 2-15 (1987)

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2. Pending proposed bill;

Protection and Promotion of Traditional Knowledge and Expressions of Culture Act of 2005:

- To establish system for protection and promotion of Traditional Knowledge and Expressions of Culture from commercial exploitations of inaccurate and inappropriate representations. As such, the act will establish a new form of intellectual property identified as “traditional knowledge and expressions of culture,” to identify ownership of properties in the “appropriate traditional groups, clans, and communities, and to provide a means to allow the owners
- To transfer certain ownership rights for non-customary use in a manner that will assist in the preservation of Palau’s cultural heritage, allow for appropriate promotion of Palauan culture, and provide compensation to Palauan owners for the use of these cultural resources.”

Orthography Act – Senate Bill No 7-79;

- To recognize and formalize Palauan orthography and to require educational institutions in Palau to teach Palauan orthography in classrooms and other related purposes.

Although the act has yet to be adopted legally, a particular Palauan orthography by Lewis Joseph, PhD, was adopted and implemented by the Ministry of Education in the 70’s towards the development of a standardized curriculum for the Palauan language within the schools. Adoption of the orthography within Palauan statute has yet to formalize largely due to the older population’s hesitation to accepting of the writing structure. However a majority of the population has been educated on the Lewis Palauan orthography and its utilization vast. The orthography is a required curriculum under the Palau’s education charter laws.

All mentioned laws or act are within the governance of Ministry of Community and Culture and its Bureaus and line agencies as listed below.

- **Ministry of Community and Culture**
P.O. Box 100, National Capital Ngerulmud,
Melekeok, Republic of Palau 96937

- Phone: (680)6-767-1126
- Email: mcca@palaunet.com

- **Bureaus**

- Bureau of Arts and Culture
 - Bureau of Aging and Gender
 - Bureau of Youth and Parks/ Recreational Services
 - Bureau of National Archives

- **Line Agencies**

- Belau National Museum
 - Phone: (680)488-4079
 - Email: bnm@palaunet.com
 - Palau National Olympics Commission
 - Phone: (680)488-6562
 - Email: pnoc@palaunet.com

Palau Cultural Policy

Pending adoption and implementation is Palau Cultural Policy (Kloulechad-Singeo 2012), with the Bureau of Arts and Culture under the Ministry of Community and Culture. The draft policy was developed based on the cultural mapping informing process and through experts and community consultations in Palau. The complete cultural mapping and drafting of the policy was completed by December 2011 with final editing and approval in January 2012. The policy will be implemented and monitored by a partnership between Ministry of Community and Culture, Bureau of Arts and Culture, and the National Council of Chiefs of Palau. The current effort is to seek financial assistance in working towards the final approval of the policy, its implementation and monitoring. Palau as an independent nation has never had a policy driven protection and promotion of its culture. The creation of this policy gives way to the first National policy on the promotion and protection of Palau's culture. By this policy, the revival of Palauan culture is foreseen at the strengthening of the traditional leadership through accountability and integrity, of the higher level of institutional development for fine arts and humanities, and for economical development in the cultural industry. Required infrastructures are similarly called upon as well as a call for a stronger political will from the traditional and nontraditional leaders of Palau in order to realize the optimal opportunities vested within Palau's culture and its people (Klouelchad-Singeo 2011).

Palau National Policy on Culture 2012-2021 is for the purpose of protecting and promoting Palau's cultural heritage. The main objectives to the policy are as follows;

- Strengthen traditional political and societal system
- Protect Authenticity of Palauan Art & Expressions
- Protect and Promote Palauan Language
- Strengthen Palauan Epistemology
- Protect Palauan Knowledge and Expressions
- Maintain Integrity of Palauan Money
- Strengthen Economic Base
- Promote and Protect Palauan Knowledge
- Improve access to Palauan knowledge

Providers of the collected information include;

- Minister, Faustina Rehuher-Marugg, Minister of Community and Cultural Affairs
- Director, Dwight Alexander, Director of Bureau of Arts and Culture (BAC)
- Director Olympia Morei, Director of Belau National Museum (BNM)
- Maked Besebes, Museum Curator (BNM)
- Kelly Marshe, National Ethnographer (BAC)
- Sunny Ngirmang, National Archeology Dept. (BAC)
- Interviews for all listed individuals took place on August 27, 2012.