

Summary

1. Fiji's context in respect to ICH

Fiji is dotted with many international initiatives; firstly the ratification of UNESCO 2003 Convention in 2010, and secondly, the creation of an interim interagency committee for ICH safeguarding. Also, Fiji participated at the regional level to the Pacific regional model law on the protection of traditional knowledge and cultural expressions.

2. Participatory agencies in the survey.

- The Department of National Heritage, Culture, and Arts focal point on government for the promotion of heritage, arts and culture. The Department is the unit in charge with other stakeholders such as Fiji Museum, National Trust, Fiji Arts Council, and six cultural centers.
- The Fiji Arts Council, coordinates national programmes and activities across all forms of art
- The iTaukei Institute of Language and Culture is charged with the research and documentation of cultural elements of , charged with the development and implementation of policies, promoting good governance and the monitoring of the iTaukei community. The Living Human Treasures is an example of an itaukei programme endeavoured to promote and recognise ICH bearers in communities. .
- The Fiji Museum, responsible for the storage and exhibition of heritage artefacts, are also experts in archaeological impact assessments, research, and collation of cultural data.
- CreatiVITI is a membership organisation representing artists across Fiji.

3. Background and justification

ICH is a prominent feature in the Pacific, and is recognised as an important task in the country. The country has a rich multitude of cultures co-existing.

4. IP Status in Fiji

Initial IP Protection for Fiji was based on the British System. This was revised in 1999 when the Copyright Act was introduced. This was later revised in 2009. However, the latter still gives minimal protection to traditional knowledge and cultural property rights. In 2003 cabinet endorsed that Fiji adopts the Regional Model Law on the Protection of Traditional Knowledge

and Cultural Expressions. This has led to the implementation of a mapping programme to identify owners of cultural knowledge with the development of a database to store appropriate data.

5. Institutional Activities.

The Department of National Heritage, Culture & Arts is the coordinating arm of government for matters relevant to the promotion, protection and preservation of heritage, culture and arts. Its implementation arms include the Fiji Arts Council involved in workshops, expositions of performing arts, craft and other forms of the art.. Fiji Arts Council activities are also focused on social events such as Festival of Pacific Arts, proposal to draft an IPPolicy in protecting exposed arts.. Fiji Museum works in the field of artefacts storage. The iTaukei Institute of Language and Culture is responsible for the research and documentation of indigenous cultural elements. CreatiVITI is home for Fiji's pottery production studio and second largest art gallery.

6. IP issues in the Various Institutions.

The Fiji National Inventory project works on mechanisms for implementation of the Regional model law on traditional knowledge and Expressions of Culture in Fiji. Fiji's main concern is what needs to be protected and who the owners are. - Fiji's National Inventory is devised to meet the requirements predetermined in its model legislation. In terms of IP issues, the institutes encountered several such as:

- IP Ownership of information that appeared on the website.
- Entrepreneur sponsor and IP ownership on the films.
- Payment of royalties to communities for book reproduction.
- Enforcement of music and copyright issues.
- Piracy related to internet downloading, video, and CDs on the market.
- Prior informed consent from custodians.

7. Information Building and Sharing

Cultural Mapping Program

This is an important activity undertaken by Fiji in the context of data collection. The mapping programme is an initiative of the Ministry of iTaukei Affairs which has become a permanent program fully funded by Government. The CMP targets the gathering of data from communities (villages) in the 14

provinces of Fiji and demarcating the unique elements that exist in the various tribes and clans that make up the villages. An intensive exercise which involves sending teams of field officers into the field to collect data from various parts of Fiji. Data collected is properly transcribed and digitized and entered into a database provided.

Human Treasure program

There is recognition of those who have unique traditional knowledge and skills under the Living Human Treasure programme in Fiji.

Institutional IP Principle

The various institutions have different approaches towards the protection of IP aspects of ICH. The only principle is that all information collected from the field belongs to the institutions and accessibility is granted through the consent of the information providers (custodians) to protect against misuse of traditional knowledge and expressions of culture.

Future Plans

The institutions have plans for the organising guidelines or regulations to protect ICH intellectual property related rights in the process of information building and sharing. It also has plans to draft a Traditional Knowledge & Cultural Expression legislation that will take into account the said issues.

8. Related Legislation.

Fiji's legislation or legal systems organised for the protection of cultural heritage:

- Proposed Fiji World Heritage Decree 2011 (in draft form)
- National Trust Act 1970 (Cap.23)
- National Trust of Fiji Amendment Act 1999
- Fiji Museum Act (Cap 263) Preservation of Objects of Archaeological and Paleontological Interest Act (Cap.264) Town Planning Act (Cap139), General Provisions 1980
- Environment Management Act, 2005
- Fiji Copyright Act 1999
- Fiji Copyright Amendment 2009