

Final Report

UNESCO Pacific Workshop on the Protection of National Cultural Heritage:

No to Illicit Traffic in Cultural Property

(Nadi, Fiji, 13-15 June 2001)



United Nations
Educational, Scientific and
Cultural Organization

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Apia Office
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for the Pacific States
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1. Report of the Workshop

Introduction

1. UNESCO Pacific Workshop on the Protection of National Cultural Heritage: No to Illicit Traffic in Cultural Property was held in Nadi, Fiji, from 12 to 15 June 2001. The Workshop followed the 30th anniversary of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property celebrated in 2000. Over thirty participants from most Pacific Island countries attended the Workshop. They were mostly museum and heritage professionals and a small number of customs and police officials. Representative of international organizations involved in heritage protection and some decision-makers were invited as well.

Purpose of the Workshop

2. The purposes of the Workshop were;
 - To identify practical resolutions and recommendations for future actions nationally and regionally to assist the international protection of cultural property;
 - To discuss a consolidated regional network strategy;
 - To initiate national legislation where there is none;
 - To review and consolidate existing national laws;
 - To assess the strengths and supervision of laws nationally;
 - To strengthen security in museums;
 - To examine ways in which to develop public education for protection of cultural heritage.
3. The planned resolutions concerned were;
 - Instituting public education action plans for protecting cultural heritage;
 - Institutional strengthening;
 - Recommendations for future actions;
 - Regional networking.
4. The objectives were clarified in the introductory presentations by Mr Poasa Ravea, Permanent Secretary, Ministry of Women, Culture and Heritage and Social Welfare, Fiji, and Mr Mali Voi, Regional Cultural Advisor of UNESCO in Samoa.

5. Mr Voi noted that enhanced protection can be achieved through better collaboration by professional organizations internationally. Mr Poasa stated his desire to see a three-year action plan for regional cooperation emerge from the Workshop. Working group strategies and action plans were outlined by the facilitator Mr Amareswar Galla, ICOM ASPAC.

Workshop Programme

6. Day one was concerned with keynote presentations including representatives of UNESCO Cambodia, the International Council of Museums (ICOM), the Regional Customs Intelligence Liaison Office for Asia and the Pacific (RILO), and the International Police Organization (INTERPOL). Delegates presented a situation report of each country.
7. Delegates broke into working groups in day two. These covered;
 - The protection of artefacts in monuments and sites, in collections and places of workshop;
 - Customs, police and national coordination;
 - Capacity building towards sustainable heritage protection; documentary tools and inventory methods.
8. Groups reported back to delegates and the feedback was incorporated into each group's considerations on day three. Recommendations and action plans were developed for each topic. Delegates formulated these into the agreed Workshop resolutions and recommendations. Discussion of regional networking then followed, and follow-up actions were agreed.

Summary of Presentations, Country Situation Reports and Working Groups

9. The key themes to emerge from the Workshop are summarized below.

The illicit traffic in Pacific states' cultural heritage continues to be a significant problem. Many Pacific societies are facing changing values, lost traditions and failing belief systems. These arise from poverty and new economic pressures, increasing urbanization and cultural dislocation in the face of international influences. The accompanying loss of heritage is at the heart of the loss of Pacific cultures.

10. Because traditional culture is being valued less, cultural objects are more vulnerable to sale and theft. Objects are removed from the sources of their creation and meaning,

while oral traditions and customs are being lost with the passing of older generations. As a result, Pacific societies are losing the means of reconnecting with their history and identity. Without this foundation, respect for other cultures and diverse traditions is undermined. Social and political tensions are exacerbated.

11. The illicit trade also damages world heritage: cultural objects are valued as collectable commodities rather than integral parts of the world's diverse cultures. The search for objects to sell causes irreparable damage to historic places of unique value to the evolution of knowledge. Ultimately, the loss of cultural heritage contributes to degrading the quality of life of the Pacific peoples.
12. Mr Poasa Ravea observed in his introduction that cultural heritage can no longer be regarded as an ordinary commodity. Mr Amar Galla asserted that cultural development must take place in the context of community development. In Australia's experience, the return of sacred objects has been seen to improve the physical wellbeing of Aboriginal communities. Mr Voi stated that culture and heritage are essential components of the creative intelligence that underpins a dynamic society.
13. The sense of threat to Pacific cultures remains strong. International demand and high prices ensure a constant illicit supply of Pacific states' objects to the market. The sources of the supply include:
 - Robbery of museums;
 - Thefts from traditional owners;
 - Theft of objects from heritage sites such as temples and monuments;
 - Clandestine archaeological excavations or site looting; and
 - The sale or trade of objects by traditional owners or other cultural groups.
14. Foreign research is regarded as intellectual looting where it amounts to the loss of intangible heritage. International researchers have also removed many objects for 'scientific reasons' following legitimate excavations. Many have never returned.
15. The Eco-Tourism industry is increasing the threat to indigenous heritage as greater numbers of tourists are encouraged to seek contact with more remote places and people. The United Nations 2002 International Year of Eco-Tourism was declared without reference to indigenous peoples, and many oppose the declaration for reasons including the increased threat it presents to indigenous heritage.

16. Pacific tourism infrastructures are often controlled by foreign interests or wealthy minorities. Development generally does not occur with reference to the indigenous peoples whose culture, heritage and lifestyles are vulnerable to the changes brought about by tourism.
17. Illicitly exported cultural property is often routed through transit states such as Japan, Singapore or Hong Kong en route to final destinations in Europe or the United States. New Zealand is believed to be a transit state for some Pacific objects.
18. Characteristics of the illicit trade include:
- It is increasingly undertaken by international organized crime;
 - It is associated with money laundering, tax and excise avoidance, forgery, smuggling, corruption, extortion, vandalism and violence;
 - The transit of illicit goods is made easier by flexible global trade rules;
 - Theft can be easily perpetrated because cultural objects are poorly protected in their countries of origin, have greater international than local value, are portable and can be easily passed off;
 - New technologies present risks, for example, the use of underwater metal detectors;
 - Demand always outstrips supply.
19. Pacific states' attempts to prevent illicit exports confront problems at all levels. Many have no legislation to protect heritage sites or to regulate the export of cultural objects. Because no Pacific states are members of the UNESCO Convention, valuable items can be removed with impunity and without recourse to international cooperation. Culture and heritage issues do not get priority from Pacific leaders and legislators in the face of economic, social and other national pressures. The integrity of cultural traditions and heritage are not recognized as part of the solution to social problems. Equally, Customs and Police services have no mandates to direct resources at cultural protection.
20. Cultural institutions are generally poorly funded and unable to actively monitor sites or objects in situ. It is acknowledged that Pacific museums must be able to guarantee adequate standards of care before objects in overseas museums would be repatriated.

Proposed Solutions

21. The Workshop identified capacity building measures at all levels as the optimum means of improving heritage protection. There was a realistic assessment, however, of what can be undertaken within limited resources for the greatest protection outcomes.

a. *Legislation*

Legislation does not provide the full answer to the illicit traffic, but it is the essential starting point. Many Pacific states need to address loopholes and coverage problems in their statutes. UNESCO has launched process for an international convention on intangible cultural heritage.

b. *The UNESCO Convention (1970)*

Pacific states must consider accession once appropriate legislation is in place. Transit or destination countries such as Singapore must be encouraged to accede by the international community. National training schemes are the key means to give effect to the Treaty in each jurisdiction.

c. *Cooperation and Networking*

Community, national, regional and international cooperation emerged as probably the most important and easily achieved means of combating the illicit traffic. Regional and national agencies have to devise the best means of capitalizing on the existing international networks and new technologies. Assuming a global perspective enables international mechanisms to work for local needs. It was observed that ICOM needs to work more with international customs organizations (particularly the Oceania Customs Organization) and INTERPOL, and run regional workshops on the means of securing joint action. Uniform Customs and Police procedures and intelligence networks are the keys to this. RILO runs a global customs database that could be better utilized for heritage objects. INTERPOL's Art Loss Register is available on-line. National and regional training for professionals, and resource commitments, are needed to maximize these resources. The Pacific Island Museum Association (PIMA) must look to coordinate action for regional awareness, although their resourcing is limited for this.

d. *International Standards*

Comprehensive documentation, inventories and photographs of protected sites and objects are essential protection tools. Inventories must be secure as they may provide a source of information for the market. While each national

authority must commit to this themselves, a *Standards Handbook for Pacific Museums* was suggested as a guide for shared policies and documentation, as has been produced for the Asia region. The Workshop recommended that all states and PIMA adopt the Council for the Prevention of Art Theft (CoPAT) Object ID system for recording stolen objects, and as the means of coordination between museums, Police and Customs. Museums were urged to back-capture known stole objects on this system. Other standards to consider include formalizing the ICOM Code of Ethics and creation of a 'Red List' of 100 stolen Pacific objects.

e. *Training and Education*

A long-term integrated solution requires a commitment to capacity building at all levels, beginning with education. The public, media, communities, educators, community and national leaders, tourists, tour operators and airlines must all be made aware of the need to preserve their states' heritage. School children and young people in particular must be invested with a sense of the value of their heritage. Museums play an important part in this. Investment in training will develop museum's professional expertise and aid the transfer of skills and knowledge to help mobilize local communities. Enforcement agencies require training to lift their awareness and to develop skills that maximize the international mechanisms available.

f. *Other solutions*

Vanuatu requires all researchers to sign up to a set of ethics. All foreign research has been banned for four years while local authorities institute new heritage protection measures.

Conclusion

22. The Workshop was a valuable insight into the needs of the country's most at risk from the illicit traffic of cultural objects. It demonstrated the deep impact this trade has on the cultural well-being of Pacific states struggling with complex social and economic issues.

23. The success of the Workshop will be measures by the commitment of UNESCO, Pacific states, ICOM and PIMA to advance the issues that were identified. Pacific states are powerless to prevent the illicit trade alone. New Zealand and Australia can offer regional leadership through support for the UNESCO Convention and active participation in regional networks.

24. Cooperative international action, particularly better policy and customs coordination could significantly improve regional protection, with little additional resourcing. Workshop participants will need to lobby their national authorities to gain priority for this. Long term progress will depend on Ministerial recognition of the problems at national and Forum Secretariat levels.

25. Consistent and effective national legislation will be harder to achieve, but the UNESCO may provide a useful guideline. New Zealand and Australia can offer a great deal of advice, information and experience on legislative development, given their extensive reviews of heritage legislation. Consideration may be given to consolidating this experience in a useful format for Pacific states.

2. Opening Address

Mr Poasa Ravea, Permanent Secretary, Ministry for Women, Culture and Heritage and Social Welfare, Fiji Government

Mr Mali Voi, Cultural Advisor, UNESCO in Apia, Mr Etienne Clement, Head of UNESCO in Cambodia, Prof Amareswar Galla, President, ICOM ASPAC, participants, ladies and gentlemen, the representatives of UNESCO's sixteen Pacific Member States and our friends from abroad, I take this opportunity to warmly welcome you all to our shores. May I also sincerely thank UNESCO for inviting me to be your chief guest today to pen your three-day Pacific Workshop on the Protection of Cultural Heritage: No to Illicit Traffic in Cultural Property. Indeed this is the first time ever that a Workshop of this nature is being held within the region and I encourage all of us to take the fullest advantage of it, for this is a continuation of UNESCO's efforts to promote international ethical and legal standards to prevent illicit trade of cultural property.

The question that we all need to ask ourselves is – Why protect cultural heritage or more specifically tangible cultural heritage? As stated in the UNESCO press 2000, cultural property can no longer be regarded as an ordinary commodity. Cultural property embodies the spiritual, intellectual and physical characteristics of a culture. It represents the cultural heritage and identity of the nation that it belongs to and to the human race as a whole. To know who we are in the present and to project ourselves into the future we first need to know where we have come from.

The preservation therefore of these artefacts is of critical importance as their loss often represents an 'inestimable loss, often irreparable, both to our common heritage and to scholarship'.

Illicit trade of cultural property has been an international concern since the beginning of the 20th century. A number of collaborative efforts have been implemented to mitigate the problem of illicit trade in cultural property. This includes the adoption of the; Hague Convention (1954), Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), and UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).

Despite these attempts, illegal trade in cultural objects continues to increase. You would have gleaned from the literature and postcards circulated for this Workshop the magnitude of this problem. Every time an illegal transaction is made, unscrupulous people in the chain accumulate profits. No proof of ownership is required of the vendor. The buyer, who may ultimately become the seller, does not in the first instance need to verify provenance of the object bought or to reveal the name of the buyer when selling. A vicious circle is then created

that needs to be broken through collaborative efforts at the international, regional and national level.

For the Pacific countries, and indeed for your own countries, evidences would abound whereby cultural objects were removed under questionable circumstances. Some notable experiences for Fiji are the two ivory figures, carved out of whales tooth and stands 9" high, a male and female, last seen in the Wainimala with the Waimaro tribe in the interior of Viti, Levu. One of these figures dated back to 1892 when G. T. Baker first sighted it in Wainimala. To my knowledge, these figurines, now well known as 'Adi Waimaro', have been taken out of Fiji by an art collector or dealer, and possibly, never to be recovered. Indeed a tragic loss to the traditional owners of Waimaro and to Fiji as a whole.

Another very recent example is the Wasekaseka, a necklace made out of carved Sperm Whales teeth, obtained by the Fiji Museum in 1982 during their campaign to collect Fijian artefacts from around the country for conservation and preservation at the Museum. Here the role of the Museum was one of custodian for the Nasele Village in Naitasiri Province as the original owners, and for Fiji as a whole for its cultural heritage value.

In 1982, the villages requested the loan of the artifacts including a club. These items have not been returned to the Museum and have been de-accessioned, and are now in the care of the family concerned.

Of concern is that the Wasekaseka does not suffer the same 'fate' as the figurines. On the other hand the preservation and conservation of these objects, due to their cultural significance, continues to be a technical preoccupation of the Fiji Museum staff. With the absence of proper conservation techniques the physical properties and aesthetic value of the object can quickly deteriorate.

Awareness at the regional level of the UNESCO Convention is scant or almost negligible despite its adoption in 1970. Evidence of this can be deduced from the list of countries that have ratified the Convention. Of the sixteen Pacific member countries none has ratified the Convention. National legislation and infrastructure are found wanting and do not adequately deal with these problems.

Some of these issues will be addressed at this Workshop. It is my firm belief that first and foremost the basic provisions of the Convention and the obligations of ratifying states need to be expounded before we can identify practical solutions and recommendations. I will therefore offer some suggestions to guide our discussions in the next three days. This includes focusing on the; a) better understanding of the provisions and responsibilities of ratifying states and parties to the Convention, b) institutional strengthening and capacity building at the national level focusing on the role of customs, police, museums, the 'direct' stakeholders, c) legislation –

the status quo and current initiatives undertaken, if any. Fiji for instance through the Fiji Museum is currently reviewing its Paleontological Act. An opportune time indeed to consider this issue, d) enforcement – more specifically the need for these ‘direct’ organizations to be proactive in carryout out their enforcement functions, e) awareness raising through education programmes and focusing on the role of the media to educate the public, f) identification of strategies, activities and assistance at the regional level through UNESCO in Apia and that of the national level, and g) developing technical and professional networking among stakeholders.

Last but not least it is my sincere hope that the recommendations arising out of this Workshop will not be shelved only to be looked at again during the next round of meetings or workshops. The challenge is for us all to work towards the implementation of these recommendations. Guided by our conscience and of us being cognizant of the fact that we are in this business to safeguard our heritage for both the present and our future generations.

Ladies and gentlemen with these few words I have the greatest pleasure in declaring this three-day Workshop on the Protection of Cultural Heritage: No to Illicit Traffic in Cultural Property open.

Vinaka Vakalevu.

3. UNESCO Keynote Presentation

By Mr Etienne Clement, Head of UNESCO in Cambodia

Introduction

In many places in the world art objects are stolen from museums, archaeological sites are ruined by clandestine excavations, ethnological objects kept in villages are sold to unscrupulous traffickers and monuments are mutilated by the hacking out of sculptures. All this is a huge and complex problem, currently of epidemic proportions. There is no doubt that thefts and clandestine excavations are encouraged by the high prices offered for works of art and antiquities on the international market.

UNESCO is the United Nations Specialized Agency which has received the mandate to protect cultural heritage. It has undertaken to develop co-operation between States on that question through;

The adoption of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. It is currently the only international convention aiming at promoting international cooperation in this field. It is essential that not only countries which are victims of the traffic ratify this important text but also countries which are recipients of the illegally trafficked objects. This Convention will be the subject of this presentation;

The creation at UNESCO of a Committee of States: the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation. Its action is inspired by an Appeal of the Director-General of UNESCO, Mr Amadou Mahtar M'Bow, in 1978 calling "for the return to their countries of origin of at least the art treasures which best represent their culture, which they feel are the most vital and whose absence causes them the greatest anguish".

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

State Parties and Content

Like all other international conventions, this Convention contains rules which States Parties are obliged to observe. To date, more than 90 countries are parties to it. However, most of them are countries which suffer from illicit traffic. Nevertheless some of the major countries of destination of stolen objects (USA, Canada, France, Italy and Australia) have ratified it and have set up mechanisms of cooperation with countries, victims of the traffic.

The Convention contains two kinds of provisions: a list of national measures which the States Parties to the Convention are requested to adopt and several provisions dealing with international cooperation.

National Measures

It is the responsibility of each country to decide in full sovereignty on the nature of these measures taking into account the compatibility with its own internal legal system. Only a combination of national measures in different fields, legal, police, customs, museums, etc., can be successful in the fight against illicit traffic. These measures cover private law, administrative law, legal procedure or criminal law.

Before examining some of these measures a preliminary question can be asked: "What cultural property should be protected?" It is indeed in the competence of each State to decide what kinds of objects have cultural value which should be legally protected. Each State is therefore invited to specify in their legislation what should be protected.

When becoming Parties to the Convention, the States undertake to set up national services for the protection of cultural heritage with a qualified staff sufficient in number to carry out various functions, including: adoption of an appropriate national legislation, in particular, on import and export, establishment of a national inventory, promotion of museums, supervision of archaeological excavations, establishment of ethical rules for curators, dealers, collectors, educational measures, publicity on stolen cultural objects.

Export

In the 1970 Convention, countries are requested to prohibit export without an export certificate. They are also requested to publicize that prohibition particularly among persons likely to export or import cultural property. This has several advantages: the exporting State knows what is going out of the country and what categories of objects are of great demand on the international art market. It may therefore facilitate the adoption of the country of specific protective measures of such categories of objects. It may also be used to raise revenue. Finally the export certificate can be legal evidence to prove that the object has been exported legally.

However, it is necessary in such a case that the administrative process of issuing certificates operates efficiently and rapidly. Otherwise it may slow down the process of export to such an extent that even an honest exporter is tempted to evade the system. It may have some inconvenience as a method of export control. It may make objects originating in the country concerned so rare that their value on the international market increases enormously and thus encourages the art smugglers to take greater risks. It can be efficient only in countries which have tight border controls and no great volume of international traffic. It may also have

undesirable effects for cultural progress in general. Such measures could prevent foreign teaching institutions from building up adequate teaching collections for students. States with such legislation have therefore often included provisions authorizing export for purposes of international exchange or foreign exhibition. Other exceptions are sometimes provided if the objects are of secondary importance and when similar objects exist in the local museums.

The choice of the most appropriate export control system depends on the local conditions, namely the efficiency of border controls, the number of tourists or visitors in the country, the number and variety of cultural objects in the country. It is indeed important to be very careful before adopting such measures in order to avoid effects contrary to what was intended.

Import

As far as importation of cultural property is concerned, States Parties to the Convention undertake to: prevent museums and similar institutions from acquiring cultural property originating in another State Party which has been illegally exported after the entry into force of the Convention in the States concerned; to prohibit the import of cultural property stolen from a museum or a religious or secular public monument or similar institution in another State Party after the entry into force of the Convention for the States concerned, provided that such property is documented as appertaining to the inventory of that institution; to take steps, at the request of the State of origin, to recover and return any such cultural property imported after the entry into force of the Convention in both States concerned, provided that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property.

This provision is considered as the most important of the Convention. If an object is stolen in a museum in a State Party (for instance in Australia) and if this object is seized in another State Party (for instance in France), the French authorities have to take measures in order that the object is returned to Australia, provided however that it is registered in the inventory of a museum, a monument or a similar institution in Australia. This shows the importance of making appropriate inventories, not only for the object being in museums but also for the objects kept in other places, such as public institutions or places of worship.

The Convention also requests State Parties to take measures for the restitution of cultural property to the country of origin even if it is in possession of someone who acquired it legally. Moreover there is no time limitation to that obligation. In that case a just compensation must be paid to the innocent purchaser. This provision was inserted to cover the case of those States where a purchaser in good faith would normally acquire legal title.

Excavations

Almost all countries have adopted measures to prohibit unauthorized excavations on public property. An important number of countries have also prohibited or severely controlled excavations in private property. Some countries have imposed severe penalties for clandestine excavations. However even extremely severe penalties have never completely succeeded in stopping them. One could also mention that some countries which were not able to protect all their archaeological sites have created special zones which are especially protected. The problem for illicit excavations is the difficulty of recovering the objects because there is no precise description or photographs of them since they were in the ground before being taken by the thief. In such case it is important to prohibit the exportation of entire categories of cultural objects. This may facilitate their return, since all objects from this category found on the international market would be seen as illegally exported. However, for objects from illegal excavations, it is essential to set up efficient cooperation mechanisms between countries victims of such excavations and countries where the objects are sold on the international art market.

Trade

The need to control clandestine excavations and thefts has led many countries to control trade of cultural objects, especially antiquities. In the Convention it is also stipulated that the States will have to oblige antique dealers, subject to penal or administrative sanctions, to maintain a register recording the origin of each item, names and addresses of the supplier and the description and price of each item sold. These persons should also inform the purchaser of the cultural property of the export prohibition to which such property may be subject.

Penalties

Penalties should be imposed on any person who has not respected the prohibition of exportation or importation. Many countries have increased the severity of the penalties in case of theft of cultural objects. However the high prices reached by some items can encourage the thieves even when penalties are very high.

Education

Prohibition, strong control and penalties are not sufficient. Education and public information are complementary measures which are even more important although it may be relatively slow to take effect. It is therefore most important that the need to protect cultural heritage be included in the school curriculum and that specific information be addressed to the whole population through the usual media.

Thefts

It is of course impossible to protect all cultural objects from risks of thefts, especially in small museums and in religious monuments. As for illegal excavations, it is recommended that a variety of measure be adopted which could help prevent theft.

The first measure to consider is the improvement of security. The International Council of Museum (ICOM) can be of very valuable assistance in that respect. Mechanical security as well as training of guards should equally be considered. In some situations specific policy training is needed. Another step would be that museums publicize their ownership of important pieces so that it becomes almost impossible to sell them on the market.

The establishment of inventories appears of course to be a very useful measure. It can be difficult to achieve in countries with limited resources, but external assistance may be sought, namely that of ICOM and UNESCO. Only detailed inventories, including clear photographs, can allow the publication by INTERPOL of an international notice of stole object. UNESCO also disseminates such notices of stolen cultural objects, among States Parties to the Convention. ICOM, the World Customs Organization and private computerized data bases are also publishing such notices.

Single measure alone will not be effective. It is necessary to adopt a wide range of measure adapted to the situation of each country. It is also necessary to cooperation with other States, eventually through international conventions, in particular the UNESCO 1970 Convention and with international organizations such as INTERPOL, the World Customs Organization and ICOM.

International Cooperation

As it was seen earlier, the major difficulty to fight against illicit traffic is to recover objects originating from pillage of archaeological sites because each object was not properly recorded or photographed. This may also apply for monuments in remote areas which are not property guarded and may be dismantled piece by piece.

In order to address the problem of pillage, the 1970 Convention foresees that each country whose archaeological or ethnological materials are pillages can call upon the other States Parties to participate in an international effort against such pillage. Concrete examples of such cooperation are shown by the measures adopted by several States Parties which have adopted measures to seize on their territories objects that are originating from pillage. It is the case of France which has set up a special police to watch the art market and possibly seize objects that may be originating from illegal traffic. The United States of America has banned the import in the USA of archaeological materials from several countries of which most are from Latin America, but also from Canada, one country in Africa and Cambodia. For instance, since 2

September 1993, emergency import bans have been imposed by the United States of America on archaeological material from the region of the Niger River Valley and on material from the Tellem burial caves of the Bandiagara Escarpment, also in the Niger River Valley.

Moreover the Convention requests the cooperation between competent services in all States Parties to facilitate the restitution of illicitly exported cultural property.

Impact of the Convention

The main impact of the Convention is undoubtedly the change in attitudes. By adopting this instrument, the international community exerts moral pressures, not only on those concerned with the protection of cultural heritage, but also on those dealing in cultural objects even in States which are not parties to the Convention. On the one hand those responsible for protection are encouraged to take adequate measures to ensure proper protection in collaboration with the different services concerned (museums, police, customs, etc.), on the other hand, those acquiring cultural property (museums, collectors and dealers) are now more aware of what is considered by the international community to be right and wrong. The impact can be seen in the codes of ethics adopted by many museums in the industrialized countries on the acquisition of cultural property, based on the code of professional ethics of ICOM.

One of UNESCO's missions is to assist in implementing the Convention applicable. UNESCO therefore cooperation with States Parties in the development of national capacities to implement the Convention and promotes collaboration between States Parties. This can take the form of assistance in the drafting of national legislation, the organization of regional seminars in order to develop regional cooperation and even the organization of national seminars. Several workshops have been organized by UNESCO all over the world, most in cooperation with ICOM and INTERPOL. The problem cannot be solved by officials in charge of culture, museum professionals or conservationists alone. They have to cooperate with law enforcement bodies such as police and customs officers. Therefore the workshops are addressed not only to those professionals but also to police and customs officers. UNESCO is also pleased to announce a handbook on the application of the 1970 Convention is also available in English, French, Spanish and Chinese language. It contains all useful documents and materials related to the issue and models for training sessions which can be organized at national level¹.

¹ Preventing the illicit traffic in cultural property, a resource handbook for the implementation of the 1970 UNESCO Convention, written and compiled by Pernille Askerud and Etienne Clement, UNESCO, Document CLT-97/WS/6, Paris 1997 (English version), 1998 (Chinese version), 2000 (Spanish and French versions).

UNESCO also tries to persuade more countries of destination of stolen objects to become parties to the Convention. As a result of these efforts, some of them have announced that they will join the cooperation scheme of the Convention.

UNESCO is continuing its efforts to promote a better legal international protection of the cultural heritage. For instance it has supported the preparation and adoption in 1995 by another intergovernmental organization, the International Institute for the Unification of Private Law (UNIDROIT), of a convention on private law aspects concerning the restitution of stolen and illegally exported cultural objects. Such a convention is a complementary to the 1970 UNESCO Convention. There will be a specific presentation on this issue. UNESCO is also preparing an international convention on the protection of the underwater cultural heritage which will aim at fighting against pillaging of underwater cultural heritage.

Several studies on various aspects of the question, such as a study on national measures, ethics for dealers, export laws, national legislations and the above mentioned resource handbook are available at UNESCO free of charge upon request.

Charter of the Oceania Customs Organisation

This Charter sets out the context, mission and key focus areas of the Oceania Customs Organisation (OCO) and the roles and responsibilities of its members.

The OCO is the successor organization to CHARM, the Customs Heads of Administration Regional Meeting, which first met in Rarotonga, Cook Islands, in 1986. The OCO was established by a decision taken at the 13th annual CHARM, held in Nuku'alofa, Tonga in 1998. Participation in OCO is open to all Customs administrations in Oceania.

Mission

The mission of the OCO is to promote efficiency and effectiveness in all aspects of Customs administration in Oceania, with particular emphasis on the needs of developing administrations. The OCO will foster harmonization, cooperation and assistance between its members on Customs administration matters and ensure that their interests and concerns are projected effectively to governments, non-governmental organizations and the private sector, both within and beyond the region. Through these measures, the OCO will contribute to the economic development and community protection within the region.

Key Focus Areas

To assist its members to meet the varied expectations of government, traders, travelers and the general public, the OCO will focus its attentions on assisting members in the following key areas:

- Trade facilitation / revenue collection;
- Law enforcement;
- Human resource development; and
- Communication / representation

Members' Responsibilities

OCO members will:

- Participate actively and constructively in the OCO Annual Conference and in the development and implementation of the organisation's Three Year Strategic Plan and its Annual Work Plan;
- Support the work of the OCO Secretariat, the Chair and Vice Chair and OCO Sub-Committee;

- Use their best endeavors to ensure timely, productive and ongoing liaison and information exchange;
- Respond positively, to the extent permitted under domestic legislation, to inquiries and requests for assistance from other members;
- Actively pursue funding sources to ensure the continuity and development of OCO activities; and
- Use their best endeavors to accommodate requests for training and technical assistance from participating administrations.

Adopted at the Inaugural Annual Conference, Niue, 6 August 1999

4. Country Report

Fiji

By Sagale Buadromo, Jotika Singh and Jodi Bacchilochi

The Pacific is a region diverse in its cultural heritage. This is an area where culture is very much an intrinsic part of the people as it forms a spiritual link to their land. A cultural area or object of spiritual, traditional and historical aspects is of immense importance and cannot be quantified in fiscal terms. This paper briefly examines the cultural history of Fiji, the protection and management of cultural heritage and the issue of illicit trafficking of artefacts within the broader discussion of heritage protection and management in Fiji.

Introduction

The cultural history of Fiji encompasses:

1. The Lapita settlement of Fiji (about 2800 years ago) and the resultant indigenous culture.
2. The phase of European contact and colonization (18th – 19th century)
3. Subsequent migration of other communities, e.g. Solomon Islanders, Chinese.
4. The indentured migration of Indians to Fiji (late 19th century).

There are three cultural institutions that are involved with cultural heritage management; the Fiji Museum, National Trust and the Fiji Arts Council. Their activities are coordinated under the Department of Culture and Heritage in the Ministry of Women, Culture and Social Welfare.

The Fiji Museum with its *Preservation of Objects Archaeological and Paleontological Interest Act* is primarily involved with research of sites; the National Trust with its National Trust for Fiji Act is responsible for identifying and protecting sites. The Arts Council is responsible for the promulgation and dissemination and revival of the arts and crafts of Fiji.

Both the Preservation of Objects of Archaeological and Paleontological Interest Act and the National Trust for Fiji Act provide little protection for Fiji's cultural heritage. Thus by extension, there is no specific legislation that attempts to deter illicit trafficking of artefacts and therefore little protection against illicit trafficking of artefacts. There is also no legal requirement for

compulsory state acquisition of cultural artefacts². This lack of legislation underlies the potential for illicit artifact trafficking in Fiji.

In Fiji, like the rest of the Pacific islands, cultural heritage management and protection is a relatively new phenomenon. The cultural heritage activities of Fiji are characterized by a few common constraints. These are:

1. Limited funding for heritage activities
2. A lack of qualified local heritage professionals
3. Limited protection for movable and immovable heritage in terms of legal, physical and customary protection.

The Fiji Museum is responsible for the protection of cultural heritage under the Preservation of Objects of Archaeological and Paleontological Act. This is divided in two areas; i) Intangible Heritage, ii) Tangible Heritage. Earthworks, historic buildings, cultural artefacts and art and crafts characterize the tangible heritage of Fiji and oral traditions, songs and dances, custom and traditional knowledge resources characterize the intangible heritage.

Under intangible heritage, oral history or traditions is an area which the museum deems important to collect and categorize into various subjects. In 1975, the museum appointed a curator of Fijian history with the responsibility of establishing, developing and directing a programme for the storage, analysis and dissemination of Fijian oral traditions. Since then, many hours of tape recordings have been made.

Currently the museum collects oral traditions under two different departments. The Archaeology Department collects traditions on migration mostly as information to document movement of people in prehistory and compares it to archaeological evidence. The Collection Department collects oral traditions for curatorial purposes.

Collections of artefacts, photographic and archival collection are considered by the Fiji Museum as its (movable) tangible heritage. In addition to this, the Archaeology Department of the Fiji Museum is actively involved in the identification and protection of archaeological sites (immovable heritage).

Two-thirds of the entire museum's collection is currently in storage and one-third is on display owing to restriction of display space. The museum's collection is maintained and managed by both the Collections Department and the Conservation Department.

² It must be noted that the Fiji Museum faces great funding constraints and as a result is unable to acquire new artifacts for which a monetary compensation is required. This means that the museum only acquires an artifact when a custodian of an artifact decides to donate the item.

Fiji – Radini Waimaro (figurine carved from a whale tooth) stolen/sold?

The *Radini Waimaro* is an ivory figurine carved from a whale tooth. The figurine was last viewed by Aubrey Parke, Department of Archaeology at Australian National University, in 1997. First seen by Rev. Dean in the early 1990s, Dean mentioned the spiritual link it has with its custodians and the villagers of Taulevu, Matailobau.

There are families which attend to its “dressing”, ie. the ivory figurine is said to call the families either through a vision or dream, saying that it needs to be dressed. Its clothing of tapa or cloth is then sewn and the custodian family gathered for a traditional ceremony where the figurine is dressed. After dressing, the figurine is put back into a box in which it is kept. The villagers believe that the figurine brings wealth, fertile lands and good health.

On 20 February 1998, the Collection Department went to Taulevu, Matailobau, Naitasiri, to sight the artifact. The Museum staff was asked to present money or gifts in order to see it. We were told that our traditional Kava presentation was not sufficient to view it.

A month or two later, the object was declared stolen by the custodian family. It is believed that this artifact is now in the international art market.

Wasekaseka – Split Whales Tooth Necklace



Wasekaseka ©British Museum

In mid-1998, the villagers in Nasele, Waidina, approached the Collections Department to take their *Wasekaseka* to appease the spirits which the villagers perceived had affected a few of them, some dying “unnaturally early”. The Collection Department has a policy in the form of a *Deed of Gift* issued when an artifact is given to the museum either as an absolute gift or for safekeeping purposes. If the artifact comes to the museum under the safekeeping policy, then this allows the immediate relatives named in the *Deed of Gift* form to use the artifact in a traditional ceremony under the supervision of a museum staff.

When the artifact was back at its place or origin, the villagers defied the museum staff’s request to return the artifact to the museum for safekeeping. Then museum was then forced to de-register this item after successive talks to return it failed.

We believe this sets a dangerous precedent. As a result, the flow of artefacts out of the museum has been restricted.

Over the last few years in Fiji and the Pacific, it has become more evident that illicit trafficking of such artefacts exists. The isolated and distinctive heritage of the Pacific has resulted in unique and unusual artefacts and the desire of these artefacts creates potential for illicit trafficking of artefacts.

We can attempt to protect the heritage of Fiji at two levels, namely, national and international levels.

National Level

We need to know what laws are in place (or the lack thereof) for the protection of cultural property. If the laws are not sufficient or clear, they need to be amended and/or supplemented. We need to carry out awareness campaigns and short-term training for customs (export and import) of the artefacts and their provenance must be researched and kept to keep track of movable heritage that could be misappropriated.

International Level

Once an object has been reported as stolen, the International Council of Monuments (ICOM) and INTERPOL must be contacted to assist in tracing the artifact and facilitating its possible return.

The main problem in combating the issue of illicit trafficking of artefacts lies in limited legislation and the lack of appropriate policies in most counties, territories and nations.

The Pacific solution does not lie solely in legislation but also in a wider spectrum of commitment and education. The commitment has to come from the national and regional

level. Government need to become aware of the value of the collections be it in the museum/cultural centres or archaeological sites. Most of these objects are priceless. The awareness has to be raised amongst the cultural institutions, land owners, legal officers, local authorities, police and customs. These institutions must work as a team to combat the problem. Coming together will encourage the sharing of information and enrich dialogue to help alleviate some of the problems.

Formal links and collaborative committees need to be formed to increase the dialogue at both the national and regional levels, the sharing of vital information, and the specialized training of police and custom officials. The regional focus can be the responsibility of and be coordinated by the Pacific Islands Museum Association (PIMA).

Kiribati

By Tekautu Ioane, Culture Officer, Ministry of Environment and Social Development

In adapting UNESCO definition, we can say that Cultural heritage is the totality of forms of creativity (physical and non-physical) and the body of values through which, as part of its historical continuity, a people or nation reveals itself more clearly.

The cultural heritage of a nation manifests itself in many ways. In the form of immovable cultural property to such as heritage which consists of historical monuments, archeological sites, gardens and landscapes of human endeavor. It is equally to be found in the wealth of people's moveable cultural property. These include the works of art, objectives of archeological and historical value, artifacts and things of artistic, scientific and technological and historical value, such as manuscripts, books and all other kinds of products that bear witness to man's creativity and the life of society through the ages. A people's cultural heritage is also reflected in a non-physical form such as music, dance, drama, folklore, unwritten languages, scripture, prose, poetry and others.

Being the testimony of people's creative acts in the course of their history, and being an expression of their cultural soul and collective personality, it is in cultural heritages that cultural identity is rooted. It is cultural identity, which provides cohesion to a community and which forms a living core of its total being and becomes the driving force for its future. The assertion of cultural identity is, therefore, inseparable from cultural heritage. As such, no people and no nation can afford to ignore the protection, preservation and nurturing of its cultural heritage least risk in losing its identity.

As in the case of Kiribati, the protection of natural and cultural heritages has been dealt with by various government institutions. The Wildlife Conservation unit based at Christmas Island, the Ministry of Education, Training and Technology, together with the Ministry of Environment and Social Development, in collaboration with Ministry of Natural Resources, Ministry of Home Affairs and the Office of the Beretitenti.

The protection and preservation of the environment and particular species is taken care of for the parts in the Wildlife Conservation Ordinance of 1975, Fisheries Act 1978, Sustainable Act 1979, Closed District Act 1990, Recreation Reserve Act 1996 and Environmental Act 1999. The protection of cultural heritage (moveable/immovable) is partly covered under the Local Government Act 1984 and Environmental Act 1999 while moveable heritage administered by the Cultural Division through customs and immigration restrictions and with the Island Council's regulations.

Constraints

The main constraints confronting action to protect the entire cultural heritage in Kiribati are:

- **Absence of legislation protection of the cultural heritage.**

As stated earlier the protection we dealt with by the administration actions and policies which have been approved by the Minister concerned. It seems that protection through administrative actions and policies is not as effective as approved legislation. Consequently, smuggling and black marketing of valuable and irreplaceable cultural properties and even unauthorized private excavation are occurring at the country. In the absence of national legislation it will be almost impossible to take any legal action against such unacceptable practices.

- **Unawareness of the significant and value of traditional craft works which are irreplaceable.**

Although contemporary craftwork is being made for current use and export, it is narrowed in variety and original forms as it is superseded by more efficient imported items of similar function or through changes in lifestyle accompanied by a dying knowledge of particular crafts. The usage of traditional crafts such as weapons, utensils, fishing gears were degenerate and disappearing. In previous years, there were twelve objects were missing of which three could not be replaced.

STEPS TAKEN TO PROTECT MOVEBLE CULTURAL HERITAGE

Through the Cultural Division of the Ministry of Environment and Social Development, three steps have been adopted to protect moveable heritages.

1. **Mounting of Public campaign and publicity on the main activities of the cultural sector.**

This is done through the national radio broadcasting system, the cultural division newsletter, national papers, in schools and by visiting outer islands. It is through this publicity that enables a cultural division to stimulate great awareness of the importance and value of cultural heritage among the people of Kiribati. As a result, some of these people have now become very sensitive of their traditional culture.

2. **Collection of movable cultural property and the recording of immovable.**

Kiribati has a few genuine pieces of traditional material culture left and those remaining on the islands are likely to their either broken or rotten that conservation work would be of little use.

Most items collected in good condition are made of bones, human teeth, human hair, clam shells (tridacna) and other shells.

In 1983 the first excavation in Kiribati was conducted under the supervision of an archeologist from Japan. Over 100 artefacts were unearthed and kept among national collections in the National Museum (TE UMWANI BONG). Most of these were made of shells and stones.

3. To protect the movable cultural heritage from further despoliation and alienation by legislation.

Much concern has been expressed for the absence of national legislation for cultural heritages (moveable and immoveable). The Government has recognized the need of such legislation and agrees to the idea of formulating a framework that will be developed into an appropriate legislation.

A cultural division in 1982 took an initial step, when the first draft of a framework was submitted for consideration. The second framework was submitted in 1984 to Cabinet for reconsideration. Cabinet referred the subject to the Attorney General's office for appropriate action. It will probably take a couple of years to complete this new legislation due to Government list of priorities. However, in this endeavour the Ministry of Environment and Social Development will work very closely with Cabinet and the Attorney General's Office to urgently enact the proposed legislation.

New Zealand

By Mark Lindsay, Policy Projects Manager, Te Manatu Taonga Ministry for Culture and Heritage

Tihei mauri ora, E nga mana, Enga reo, Enga Rangatira, Tena koutou katoa

I stand to speak, To you with the strengths of your lands, To you with the voice of your lands, Chiefs, Greeting to you all.

I wish to express my gratitude to UNESCO for providing the opportunity for me to participate in the Workshop on the protection of national cultural heritage. Thanks in particular to the staff of the UNESCO Apia Office for their organizational work.

The situation report has three parts:

- An overview of the New Zealand government's arrangements for culture and heritage;
- An overview of the two main statutes that protect New Zealand's cultural heritage* the Antiquities Act 1975 and the Historic Places Act 1993;
- A presentation of the review of the Antiquities Act 1975, and some of the key issues the review has raised regarding the export and domestic regulation of cultural heritage objects.

Government's Arrangements for Culture and Heritage in New Zealand

The New Zealand government has substantially consolidated its culture and heritage responsibilities in the past two years. For the first time New Zealand has all cultural policy advice, heritage operations and responsibility for cultural agencies located within one government department – Ministry for Culture and Heritage.

Policy responsibilities for the Historic Places Trust, the Historic Places Act, cultural broadcasting and the Antiquities Act 1975 transferred to the Ministry in 1999. At that time, the Ministry was also given responsibility for a range of heritage operational activities, including the researching, writing and editing involved in the publishing of historical works. Preparatory work has begun on a new on-line encyclopedia of New Zealand. The Ministry now manages a range of government's heritage properties and oversees the New Zealand flag and other symbols of national identity, as well as commemorative days. The Ministry has expanded from an agency of some 12 people in total in 1999 to over 55 now. Maori capacity has been significantly strengthened. Appendix one details the functions of the Ministry. These changes have brought the benefits of a more strategic and coherent outlook across the range of government interests

in culture and heritage, and enhanced co-operation amongst policy, operational and agency funding and monitoring activities.

In addition to these structural changes, the Prime Minister, Rt Hon Helen Clark, assumed responsibility for the Arts, Culture and Heritage Ministerial portfolio following the change of government in October 1999. The new government's commitment to culture and heritage was emphasized when it announced that one of its key goals would be to:

Strengthen National Identity and Uphold the Principles of the Treaty of Waitangi

Celebrate our identity in the world as people who support and defend freedom and fairness, who enjoy arts, music, movement and sport, and who value our cultural heritage; and resolve at all times to endeavor to uphold the principles of the Treaty of Waitangi.

In May 2000 the government announced significantly increased funding to the arts, culture and heritage sector, including an \$ 86 million Cultural Recovery Package. This year's budget announced additional increase in funding, including new funding for capital development projects at regional cultural institutions with collections of national significance. The funding available to the Ministry for the provision of policy advice to government was also increased.

Taken together, these developments have provided the Ministry for Culture and Heritage with new opportunities to consider long-standing issues that a smaller Minister and more junior Ministers have been unable to advance. Once such issue is the review of the Antiquities Act 1975.

New Zealand Heritage Protection Laws

The Historic Places Act 1993

The Historic Places Trust is established by the Historic Places Act 1993 with the purpose of promoting the 'identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand'. The Trust's mission statement is 'To promote and care for our historic and cultural places'.

The Trust is a major provider of a range of cultural heritage services. These include heritage identification and registration services, legislative protection of archaeological sites, public education services to increase heritage knowledge and awareness, training, advice and consultancy services to those working with heritage, heritage property management services for and on behalf of the Crown, and information services to Trust members and the New Zealand public.

The HPA makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of the Trust, and substantial penalties can be applied.

An archaeological site has a wide definition, being:

..any place in New Zealand that –

- (a) Either – i) was associated with human activity that occurred before 1900; or ii) is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

There are a variety of archaeological sites in New Zealand including:

- Maori pa sites are fortified places with banks and ditches. They are often found on cliffs, headlands or ridges;
- The remains of cultivation areas and gardens can be seen in soils and in the form of lines or walls of loose stones or stone mounds (other type of site associated with cultivation and settlement include artificially leveled terraces, and pits for storing kumara);
- Middens – these are ‘rubbish dumps’ that may contain shells, bones, artefacts, charcoal and sometimes oven stones. These can be Maori or European;
- Rock art sites that may contain printings, drawings, carvings or engravings;
- Shipwrecks are another type of archaeological site;
- Other historic sites containing evidence of whaling, trading, and gold mining, or the remains of mission stations, military redoubts, buildings and structures.

The Antiquities Act 1975

The Antiquities Act 1975 is the statute that regulates the export of cultural heritage objects from New Zealand (as well as regulating the domestic trade in Maori artifacts and providing for Crown prima facie ownership of newly found Maori artifacts). The purpose of the Act is:

...to provide for the better protection of antiquities, to establish and record the ownership of Maori artifacts, and to control the sale of artifacts within New Zealand.

In summary, the Act:

- Gives the Minister for Arts, Culture and Heritage the power to grant or decline permission to export any antiquities from New Zealand;
- Presume Crown ownership of any Maori objects (artifacts) found after 1 April 1976; and

- Requires dealers trading in artifacts found before 1 April 1976 to be licensed. Anyone wishing to buy Maori artifacts must be a registered collector.

The Review of the Antiquities Act 1975

New Zealand's history is short compared to most of the rest of the world, but our cultural heritage is unique to us and valuable because of its rarity. It is vulnerable to the demands of the international market place. A small country on the edge of a globalizing world needs robust and comprehensive legislation to protect against the threats that market place presents to our cultural objects.

The Antiquities Act has a number of shortcomings in providing such protection: the review will seek to address the following problems:

- The Act has no clear and consistent definition of those heritage objects the Crown wishes to protect;
- The criteria for those heritage objects that New Zealand would wish to prevent from export are poorly defined, and categories of cultural objects subject to export application are inaccurately described;
- There is no Crown protection for newly-found nationally significant non-Maori cultural objects;
- The Act does not contain the provisions necessary for New Zealand to meet the requirements of accession to the UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property. New Zealand government policy is that domestic legislation must comply with the requirements of those international conventions we wish to join.
- New Zealand is not party to other international multi-lateral agreements on the return of heritage objects illegally exported from their country of origin, specifically, the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, and *the Scheme for the Protection of Cultural Heritage within the Commonwealth*;
- The Act has no provisions protecting against the willful damage of nationally significant cultural heritage objects;
- The Act has low penalties and inadequate provisions for education and publicity.

Although successive governments have acknowledged the need to review the Act, amended legislation has not been passed. This year, however, the review has been granted a position on the 2001 legislative programme.

In attempting to design a better export regulation framework the review has raised a number of issues that may be informative for other countries considering their export legislation. IN

particular, the review has considered more precise ways of defining the objects that New Zealand may wish to prevent from being exported.

The Antiquities Act provides that no antiquity may be exported from New Zealand without permission of the Chief Executive. The Act's criteria for determining which objects may be refused permission are very unclear: the attempt to provide exhaustive categorical description of objects subject to export application is too wide to be effective: different criteria are applied to different kinds of these objects and some criteria are repeated several times.

Subjectivity and discretion are introduced through the use of general definitional terms like 'importance' and 'value'. For example, any ship, boat or aircraft wrecked more than 60 years ago must be 'of national, historical, scientific, artistic value or importance', whereas a book, diary, letter, document paper etc, must be more than 60 years old and 'relate to New Zealand' and be 'or national, historical, scientific, artistic or literary importance'. Age criteria are also used differently for different objects.

These inherent faults create the risk that the Act's export provisions will be interpreted inconsistently. This has highlighted that, for New Zealand, effective export legislation should be clear in its intentions and unequivocal in its definitions. The legislation should seek to:

- Be easily understood by the public and those administering the Act;
- Provide legal certainty when subject to judicial scrutiny; and
- Enable consistent authoritative and accountable decisions to be made over time.

In the first instance, export regulation should be based on a clear understanding of why a government wishes to retain cultural heritage objects in the country, and what it wishes to achieve through this. Legislation must present a clear justification for a government's intervention in the rights of private property owners to export their cultural objects. Appendix two presents some of the benefits arising from a government's investment in the retention of a nation's cultural heritage.

Legislation must then define what types of objects would be retained in the country in order to achieve the government's objectives. A government, for example, may wish to retain an object where it is deemed to be nationally or regionally significant, significant to one interest group such as the scientific or artistic community, or significant, in New Zealand's case, to one iwi or hapu (Maori tribe or family). A government may wish to retain objects whose removal would be clearly detrimental to the public good. Each country would decide this according to its own circumstances.

Criteria such as 'significance' or 'clearly detrimental' must be defined accurately. For example, a nationally significant object may be one that represents a set of values to the nation that

clearly are more important than the private owner's rights to remove the object from the country. That set of values should be made explicit.

The government's objectives for export regulation, and description of the types of objects it is interested in retaining, underpin a definition of the particular objects that then would be refused export permission.

Prott and O'Keef (Law and Cultural Heritage Volume 1: Discovery and Excavation 1984) identify three systems for defining objects subject to export permission: enumeration (lists of objects); categorization (general description, and classification (objects are only included in regulations once a decision has been made about them).

The enumeration system merits close examination. By attempting to identify each object within a country that would be refused export permission, the list approach presents a number of advantages:

- A national inventory of cultural property complies with the requirement of Article 5 of the UNESCO Convention;
- A list of unequivocal and does not require interpretation by the public and officials; it may become definitive as it is developed over time;
- As a schedule to an Act, a list can be regularly reviewed and amended
- A list provides the clearest evidence of the existence of an object in a country of origin where that country seeks to have an illegally exported object repatriated
- A list would ensure that only those objects identified as being important to the nation would be denied export approval and
- Listing protected objects is consistent with the establishment of inventories of other types of protected cultural heritage such as monuments, buildings and sites.

Any object included on a list of nationally protected objects would be automatically refused export approval. While many list objects may never be subject to export, for example, those in a museum's permanent collection, inclusion on the list provides protection in the event an object is stolen or illegally removed from a country, particularly as it would be covered by the repatriation provisions of the UNESCO Convention.

Enumeration also presents the risk that collectors, public and private institutions and the general public may be unwilling to provide information about their cultural property holdings, for reasons including privacy, security, and a possible perception of unwelcome state intervention. In New Zealand, Maori may not wish to provide information to the Crown about many of their taonga (treasures) which are tapu (sacred) as this may lessen the protection that exists through anonymity.

A list system risks excluding important objects that are not known about, most obviously those in private collections. And it should also be able to accommodate changing values over time. Accordingly, legislation should also provide provisions that enable the 'capture' of those objects that fulfill the list criteria but which have not been accounted for.

Additionally, a broader classification of those objects subject to export application is desirable. This would describe general categories of important cultural heritage objects ('Cultural Heritage Control Lists') that would be considered for export on a case-by-case basis. These objects may be granted export approval unconditionally, conditionally or refused it according to the circumstances.

A list of nationally protected objects also provides an efficient means of complying with the requirements of Article 10 of the UNESCO Convention. This requires State Parties to oblige cultural heritage dealers to register their trade in protected objects. Monitoring the sales of listed objects would be simpler than requiring dealers to interpret which objects may be included in categories of protected objects. Domestic trade regulation would therefore support export regulation by providing further evidence of an objects existence in this country in the event that it was illegally exported.

Together, the list of nationally protected objects and the Cultural Heritage Control Lists provide a two-tier export system that is comprehensive, flexible and transparent in its intentions and outcomes. The object list in particular offers legal and administrative certainty. Developing this system, however, relies on achieving consensus on a government's objectives for export protection, and on defining clear criteria for the categories and individual objects that would be subject to export regulation.

The challenge facing a government considering export regulation is to consult with all groups who have an interest in protecting a nation's cultural heritage, and to balance the legitimate concerns of all those whose heritage objects will be affected. Regulations should be unequivocal in their intentions and practical in their application in order to achieve protection outcomes in the national interest.

APPENDIX ONE

Functions of the Ministry for Culture and Heritage

The Ministry for Culture and Heritage is responsible for:

- The provision of policy advice on arts, culture, heritage and broadcasting issues, as determined in consultation with Ministers, including legislation, major policy proposals, and developments and initiatives which have significance to the sector;
- The management and disbursement of payments to a number of arts, culture, heritage and broadcasting sector organizations, and the monitoring of the Crown's interests in these organizations;
- The management of national monuments, war and historic graves; the administration of the Antiquities Act 1975; the research, writing and publication of New Zealand history; and the administration of grants and the provision of advice in New Zealand history;
- The administration of legislation relating to the symbols and emblems of New Zealand sovereignty and to commemorative days; and
- The provision of other negotiated services to Ministers, including the preparation of replies to ministerial correspondence, and general services which assist Ministers in discharging their portfolio obligations to Parliament.

APPENDIX TWO

The Benefits of Governments' Investment in Cultural Heritage Preservation

The existence of material heritage enables the evidential and artifactual information of the past to be available for interpretation or review by present and future generations. The more of our heritage that is preserved the stronger is the objective basis for the evolution of knowledge, and the ability for society to examine itself, grow and change.

Cultural heritage contributes to social cohesion, recognizing a nation's identities and histories. The on-going availability of markers of individual and communal experience allows people to reflect upon and express a sense of themselves as members of various communities within society.

The historical record contributes to the prevention of a sense of national identity that is exclusive, divisive or coercive. The retention of heritage resources, and equitable access to them, prevents the capture of historical interpretation by interests groups. Monopolistic or exclusive access to historical records, or the retention of only select information, presents the risk that one notion of national identity may be promoted about others, and justified historically. In a pluralist, democratic society such capture of the means of interpreting the past is considered invidious.

A number of positive externalities justify an enhanced government role in heritage management:

- The retention and promulgation of national heritage contributes to positive economic externalities of business through generating tourism interest in a country, regional infrastructural development and event marketing opportunities;
- The educational opportunities arising from cultural heritage are a positive externality that benefits communities more than individuals;
- Democratic participation arises from the existence of evidence of the past that can be accessed, evaluated and promulgated equally by all members of society. The records of government retained by national archives are an example.

The Rationale for Government Intervention in Cultural Heritage Protection

Given the wide societal benefits arising from the existence of heritage resources, is there a role for governments in ensuring that this heritage is preserved, or will this be provided for by other means?

Market Failure and Public Goods

Markets generally do not provide for the retention and preservation of desirable historic heritage 'goods' at the level necessary to achieve the government's outcomes. At this level, these public goods are priced by the market at a level of quality and quantity that is higher than individuals are willing or able to pay. For example, an admission charge to museum at a level sufficient to sustain its total operation, including collecting, preserving and displaying collections, would be prohibitively high for all but a small portion of consumers. The benefits arising from a museum's existence must therefore be secured through government subsidy on behalf of the beneficiaries.

The inter-generational benefits arising from heritage preservation are not recognized by markets (future generations cannot express a market preference), or are under-valued by them: markets appear to apply a steep discount rate to benefits that accrue over the longer term. Future benefits are dependent on a commitment to the welfare of present and future generations that is not generally characteristic of profit orientation. For example, government invests in the perpetual existence of its business records, through archives because their future historic (and constitutional) value has not current market value and no recognized investment return over time.

The market is not an efficient means of placing the controls on private behavior that would ensure the preservation of heritage of significance. Government intervention ensures barriers to heritage resources are reduced as far as possible. Equally, collective experiences that give rise to intangible 'cultural capital' or 'psychic income' are significant public goods that are not valued by the market (for example, national commemorative days). As there is, in fact, no market upon which to trade this 'capital' as such events would not exist without government intervention.

Market Failure Due to Information Asymmetry

Governments intervene to preserve heritage in response to a public information asymmetry: the public is not aware of the full range of choices available to it to retain and preserve national heritage.

The public's options for exercising choices to retain heritage are reduced because of the size and diffuse nature of national markets for heritage 'goods' and because the long term benefits arising from these choices are not apparent or valued. The public as individuals do not have sufficient incentives to act to preserve heritage as the individual benefit is not sufficient to justify protection.

Palau

By Olympia E. Morej, Administrator, Belau National Museum

The Republic of Palau is yet to have legislation or regulation to solely address the removal of cultural property or its exportation. Under title 19 of the Palau National Code Annotated subchapter VI Violations and Penalties, section 181, it states that it shall be unlawful for any person to take, appropriate, excavate, injure, destroy or alter any registered historical site without the written permission from the Chief, Division of Cultural Affairs (see subchapter III, Title 19 attached).

In Chapter 3 Palau Lagoon Monument establishes that all ships, other vessels and aircrafts and any other parts and contents thereof, which formerly belonged to or were part of the armed forces or commercial fleet of Palau's previous colonizers and were sunk to or otherwise deposited on the bottom of Palau Lagoon and shall be collectively called the "Palau Lagoon Monument". Any removal without the permission of the President or his duly authorized representative shall be penalized in accordance to section 306 of this chapter.

Attached is a copy of Civil Action No. 451-91 Declaratory Judgment ordering Koror State not to remove or dismantle or submerged Zero aircraft, or any portion thereof without first complying with 19 PNC section 301 et seq.

Another case also involved another zero aircraft on land in Angaur State. A resident wanted to sell it to a museum in Australia for restoration and preservation and as stated "For Promotion of Angaur and Palau as tourist destination". This did not become a court case since the individual was applying for clearance and permission from the Chief, Division of Cultural Affairs and the Minister of Community and Cultural Affairs. Permission and clearance to remove the historical property for restoration sake was denied to M. Augustine and Mr. Turner of the Alpine Aircraft Salvage Museum.

There are more recent cases of stolen war relics and other cultural property. In the absence of strict and comprehensive laws and regulation on illicit trafficking and removal of cultural properties, the litigating arm of government and appropriate agencies usually go through a lengthy process in bringing the perpetrators to the Courts. By the time the criminals are apprehended and searched and fined, other cultural properties from other sites have been stolen and sold or have left the country. The law and the appropriate agencies are on a wild goose chase in trying to stay ahead or on top of the illicit trafficking of cultural properties.

Palau is also protected under the U.S. National Historic Preservation Act 1996. The Historic Preservation Act is applicable only to a site that has been registered and is on the National

Register of Historic Places by the Division of Cultural Affairs/Historic Preservation Office of Palau.

Samoa

By Toetu Tuia & Delphina Lee

INTRODUCTION

The Independent State of Samoa covers 9 islands and lies 2,600 miles southeast of Hawaii, 1800 miles from New Zealand and 2,700 miles from Sydney, Australia. The total land area is 2,842 square kilometers. The population is estimated to have exceeded 170, 00 people. Additionally, over 100,000 Samoans live and work overseas (New Zealand, Australia, USA) and contribute with their remittances to Samoa's economy.

There are two larger islands, Upolu and Savaii. Upolu is the most developed and densely populated island with an estimated population of 120,000. The capital Apia is located here. Savaii is the largest island and the next most populated (est. 45,000). Samoa has one international airport and three other airstrips servicing inter-island traffic and travel to American Samoa.

Samoa's parliamentary system incorporates some aspect of its traditional chief-structure except two special seats; all parliamentarians have to have chief titles. Village life is regulated by the village council of chiefs who also has the legal right to impose fines and bans on villagers. The chiefs as head of an extend family also manages the family customary land; customary land ownership covers 80% of Samoan land. Other traditional groups with strong influences in the village are the Women's Committee and the untitled men.

Samoaan cultural activities are an integral part of everyday living. The cultural and family links are also very strong to overseas Samoan communities. Cultural education is supported by government and other special initiatives, however much of it is also taking place informally in the village community and family. A main aim of cultural programmes has to be the strengthening and preservation of this transfer of tradition.

CURRENT NATIONAL EFFORTS TOWARDS PROTECTION OF NATIONAL CULTURAL HERITAGE

Objectives

Development of a Samoan National Cultural Policy

There is no official cultural policy for Samoa. The Ministry of Youth Sports and Cultural Affairs is presently preparing for the creation of this important document, in co-operation with the cultural stakeholders.

Networking of Cultural Institutions

There are many institutions in Samoa in the field of culture (see 'Infrastructure'). The main aim for the next year will be better co-ordination and co-operation of these institutions. As an example several institutions are developing Samoan glossaries and mini-dictionaries. All their expertise is now being pooled together in the National Monolingual Dictionary Project.

Development and Legislation

Expressions of Culture and Cultural Heritage are partly protected by different Acts and Laws. The development of a Cultural Policy will also investigate and establish further needs and missing links in this area.

Preservation and Enhancement of Tangible Heritage

While Samoan Culture is a living culture, it is submitted to changes in technologies and craft forms develop or are replaced by new techniques and forms. Historical artifacts are also vulnerable to destruction and damage by weather conditions, use or neglect. The recently established Museum of Samoa is one place to preserve tangible heritage, as well as preservation programmes by the Visitors Bureau and the Environment Department. The next project is the development of the National Archives in this year 2001.

Revitalization of Oral and Intangible Heritage

Oral History is now being recorded and compiled for the future generation. This transmission can only be fully successful if the Samoan language skills are also transferred to the young people. Samoan lesson in school and the development of the monolingual Samoan Dictionary are two projects in this area. Other intangible heritage such as dances and songs are kept alive through competitions on national and school level, and through extensive broadcasting.

Maintenance of Cultural Linguistic Diversity

The Samoan language is still the main language on the Samoan Islands. There is no other indigenous language originated from the islands. Government encourages the use of Samoan in

official context (e.g. for Cabinet Submissions), as mentioned above, Samoan lessons in school, the monolingual dictionary development and broadcasts in Samoan language are other ways to encourage Samoan language use.

Development of Cultural Industries, Crafts and Cultural Tourism

Several institution works together to promote and develop traditional crafts, through workshops and marketing programmes. One of the main reasons why tourist visit Samoa is the strong traditional culture, tour operators, hotels and the Visitors Bureau organize cultural performances and activities.

Linkages between Culture and Education

Samoan culture and language is a subject in schools recognized also on School Certificate and PSSC level. The National University and a private institution also offer Samoan degree studies. Additionally, special Samoan culture and performance activities are included in the school curriculum. The urgent need for more Samoan language and teaching materials is presently being addressed.

POLICIES

There is no official cultural policy for Samoa. The Ministry of Youth Sports and Cultural Affairs is presently preparing for the creation of this important document, in co-operation with the cultural stakeholders.

LEGISLATION

1. Copyright Act.

The provision of this act also apply to works, performances, sound recording and broadcasts dating back to before the coming into effect of this Act provided that the term of protection has not expired by law or under an international treaty to which Samoa is party. But it does not affect the terms or validity of contracts or works, performances, sound recordings and broadcasts concluded before the entering into force of this Act.

At the moment, expression of folklore is the only aspect of Samoan traditional knowledge and expression of Samoan traditional culture to which the legal system specifically affords protection.

The works protected under our Copyright Act are in conformity with those protected under the TRIPS Agreement with the exception of expressions of folklore which are currently excluded from protection under the TRIPS Agreement. Samoa has yet to accede to the World Trade Organization (WTO) and the TRIPS Agreement, but currently taking steps in that direction. However the Government of Samoa has acceded to the World Intellectual Property Organization (WIPO) as of 11 October 1997 and our Justice Department is currently preparing a submission to Government in favour of accession, also to the Bern Convention.

Expression of folklore stipulated by our Copyright Act is the protection against the unauthorized exploitation of folklore. Our Justice Department and in particular the Intellectual Property Division is responsible for administering the Copyright Act. However the right to authorized production, communication to the public through performance, broadcasting etc. of expression of folklore is vested by the Act in a competent authority which is to be determined by the Minister of Justice. The Minister has yet to designate such an authority.

2. Lands, Survey and Environment Act 1989

General protection of environment is laid down in the Land, Survey and Environment Act. The legal definition of environment in the 1989 Lands and Environment Act includes 'physical features' and social features' of environment- this includes cultural features, such as building and legend sites. The director of the Department is given the authority to produce Management Plans on any aspect of environment. A heritage Committee for the protection of historical building, etc has been established.

3. Youth Sports and Culture Act 1993/1994

This Act confirms the Ministry of Youth Sports and Cultural Affairs as custodians of Samoan Culture.

THE CULTURE HERITAGE - PRESERVATION, COLLECTION AND ACCESS

The modern physical preservation of Samoan Heritage is still in early stages of development. The small culture Museum has only recently been established, the archives project is now being developed. There is also only recently a project to systematically register and preserve old historical buildings.

Oral traditions are being collected in written form in the 'Samoa Ne'i Galo' legend collection, through hearing protocols at the Land and Titles Court, through research by local and overseas anthropologists and students, and by private groups and individual writers. Some of these

records have only very restricted access, such as the court files, due to the traditional confidentiality of genealogies and family history. Again certain restrictions on disclosing other oral traditions can also restrict research opportunities.

The most important way of preserving cultural heritage is the passing on of skills and knowledge to the new generations. This is also a main aim of many cultural programmes and projects, such as vocational workshops, Samoan lessons, production of Samoan teaching materials and special cultural events.

Culture and Development

Young people are experimenting with new forms of expression including also the use of modern technology. In many of these traditional endeavors, cultural elements, designs and mythology are integrated. An especially active sector is the music industry.

Promotion of Living Culture

The promotion of Samoan culture both for local people and the tourist market is especially visible during special events such as the independent celebrations, the Teuila Culture Festival, the National Youth Week, the Samoan participation in the Pacific Festival of Arts and other international festivals, and in local performances and fundraising by churches, schools and village groups. Samoan handicrafts are promoted and marketed through the Women in Business Foundation. This Foundation also revives the art of weaving spliced fine mats and other precious traditions.

INFRASTRUCTURE

Main institution responsible for the Development and Implementation of Cultural Policy at Government Level:

Ministry of Youth, Sports and Cultural Affairs

Government Department including the Culture Section, responsible for the Development of Cultural Programmes and the Preservation of Cultural Heritage

Address: Ministry of Youth, Sports and Cultural Affairs
Private Bag
Apia, Samoa

Telephone: +685-63444 Fax: +685-23639

Other Institutions with Responsibilities in the Cultural Sphere:

Ministry of Women's Affairs

Responsible for Women Development programmes, including weaving and handicraft courses and sales promotion

Address: Ministry of Women's Affairs
P.O. Box 872, Apia
Tel: +685-24399
Fax: +685-22539

Visitor's Bureau

Responsible for tourist market, including promotion and support of traditional culture (performances, handicrafts, etc) and care for heritage sites:

Address: Visitor's Bureau
P.O. Box 2272, Apia
Tel: +685-20180 or 63555
Fax: +685-20886

Environment and Planning Division of the Lands, Survey and Environment Department

Responsible for the protection of Samoan Environment, including physical and social features

Address: Environment and Planning Division of the Lands, Survey and
Environment Department
Private Bag, Apia
Tel: +685-22481
Fax: +685-23176

Land & Titles Court

Responsible for customary land rights and chief title disputes

Address: Land & Titles Court
P.O. Box 33, Apia
Tel: +685-22811
Fax: +685-20145

Internal Affairs

Responsible for village affairs, including Samoan language and culture classes and special cultural activities

Address: Education Department
P.O. Box 1869, Apia
Tel: +685-21911
Fax: +685-21917

National University of Samoa- Samoan Studies Unit

Responsible for Samoan language and Culture studies and research

Address: National University of Samoa
Le Papaigalagala
P.O. Box 5768, Apia
Tel: +685-20072
Fax: +685-20938

Besides these Government institutions, there are many private institutions and individual active on the cultural field. They can be contacted through the Ministry of Youth, Sports and Cultural Affairs.

REFERENCES:

- Directors for the Region- a Country Picture Questionnaires UNESCO Pacific Consultation of Cultural Directions,
Wellington, New Zealand 26-29 March 2011 Ulrike Hertel Akuino
- Report: Heritage Committee Meeting, 26 April 2001
- World Heritage Convention
Operational Guidelines

Solomon Islands

By Lawrence A. Foana'ota, Director of Solomon Islands National Museum, Department of Culture, Tourism, and Aviation, Ministry of Commerce, Industries, Employment and Tourism

Introduction

This country report aims at providing some information on the situation regarding the protection of cultural heritage in Solomon Islands. The discussions are expected to cover the different traditional methods and legislations used in various parts of the islands for the protection of the cultural heritage; the authorities or institutions responsible for their implementation; the effectiveness or weaknesses experienced when implementing the traditional methods and laws; and the future of the protection of cultural heritage in these islands.

Traditional Methods and Legislations

Traditionally, protection of cultural heritage whether in movable, non-movable, tangible or intangible forms, varied widely throughout the islands. Individuals, groups or communities used different legal mechanisms or techniques in protection themselves and their cultural heritage. Sometimes, the protection mechanisms inter-related with the religious believes or the importance of a particular item or object.

These legal mechanisms or the methods people normally use were either unwritten and only applied verbally or in the form of sign markers. Regardless of the fact that these traditional laws or protective techniques were unwritten, people respected and tree branch or leaves hanging from it and placed near or over an object, around a fruit tree trunk or at the entrance of a house or path indicated protection. Sometimes verbal words were enough to keep out people from removing, touching or vandalizing anything of cultural importance. In some cultures, the trying of a rope around an old village site or a religious sacrificial area meant people should not enter into such places. The result of breaking such regulations would be the payment of compensation either with the traditional currency or with food like pigs, taro or yams by the offender.

At the community level, the authorities responsible for the protection of the cultural heritage are the House of Chiefs and the Area Councils. Unfortunately, not all the nine Provinces have House of Chiefs well established for this purpose. In some places, the House of Chiefs mainly concern about matters relating to the land and genealogy and very little attention and emphases on other cultural heritage issues. Sometimes individual families protect their cultural heritage by passing on information only to the members. In the areas where people still

practice traditional religion, movable cultural materials are often hidden in the sacred sites so that no one would get to them easily. The men's houses are appropriate places for hiding culturally significant items particularly about the fireplace or buried underground. Traditionally, people usually keep valuable personal items in their carrying bags, or wear them as body ornaments, for protection purposes so that no one else would take them without the owners' knowledge or permission.

The current situation as far as the protection of cultural heritage at the community level is concerned is that in some parts of the country people no longer believe in or practice the traditional laws or methods of protecting their cultural heritage. As a result, vandals or those with the no care attitude seem to capitalize on the fact that even though they remove or destroy anything of cultural significance, nothing will happen to them. Therefore, there were incidences involving people of other culture going and looting cultural materials from either old burial or sacrificial sites on other islands and selling them to tourists.

Sometimes items of cultural importance ended up in some of the handicraft shops in the capital without the knowledge of the traditional owners. In other incidences, the owners themselves sell or exchange items of their cultural heritage to art-dealers who call in the villages on the other islands for money or alcohol. Over the years, much of the cultural heritage of the people have been lost either through negligence of the traditional methods of protection, theft or trading of important cultural materials to outsiders.

One of the limitations the traditional protection methods have is that once any cultural materials leaves its place of origin, it is lucky if the policy might assist by applying powers invested in them under other modern laws that may already be in place to arrest the culprits and confiscate the items. Otherwise, traditionally, no other legal mechanisms are available to apply in retrieving or returning the material to its rightful place or owner.

In realizing the fact that much of the cultural heritage had been lost, the various Provincial Governments throughout the islands introduced their own by-laws to curb the situation. Unfortunately, when they draw up these legal mechanisms, they did not include or recognize the fact that some of the traditional methods people use in their societies in protecting their cultural heritage is still equally important now as they are fifty or so years ago. At this stage, only four out of the nine Provinces have some kind of by-laws currently in force is the one passed by the Western Province on the Protection of Historic Places Ordinance in 1986/ It provides for the recognition, protection, and conservation of sites of historical, cultural and archaeological significance.

Unfortunately, in one or two of the Provinces, the by-laws have come a little bit too late. In the Provinces where there are no by-laws in existence, the protection of the cultural heritage of the

people is still a major problem, especially when the traditional regulations or methods used for this purpose have either been ignored or no longer been applied by the people. One major influence on the traditional ways of protection is the modern religious teachings. They completely ban people from practicing them because of the belief that they are evil and unchristian.

At the Central Government level, there is still no national cultural heritage legislation in place even through so much talk by politicians over the years about protecting, preserving and promoting the peoples' diverse cultural heritage. At this stage, the only legislations in place at the national level that have any relations to the protection of some areas of the cultural heritage are the:

1. Prohibited Export Ordinance of 1962
2. Copy Right Act of 1976
3. Protection of Wrecks and War Relics Act of 1980; and
4. Research Act of 1982.

Authorities and Institutions:

In order to implement these national laws, the Government has identified appropriate institutions to be responsible for their proper administration. The main institutions given the tasks of administering and implementing these Acts are:

Customs and Excise Division, Ministry of Finance and Department Planning, P.O. Box 26, Honiara

Department of Justice and Legal Affairs, Ministry of Justice, Legal Affairs and Police Security, P.O. Box 404, Honiara

Solomon Islands National Museum Division, Department of Culture, Tourism and Aviation, Ministry of Commerce, Industries, Employment and Tourism, P.O. Box G 26, Honiara

Ministry of Education, Training and Human Resources Division, P.O. Box G 28, Honiara

There had been attempts made in the past in drafting some form of legislation for the protection of the country's cultural heritage at the national level, but nothing had ever been materialized with the exception of the few Acts mentioned above. The draft document has gone as far as the Cabinet but not any further.

Despite the lack of such national legislation, the establishment of the National Museum by the Colonial Administration in 1969 has assisted tremendously in the protection of the tangible cultural heritage over the years until now. This was one of the most important decisions ever

made by the Colonial Administration for the people of these islands. Without having such institution in place to protect, preserve, conserve and promote the cultural heritage, most of the items already held in the national collection, representing the diverse cultures of the different societies found throughout these islands would have been lost over the last fifty-three years.

Effectiveness and Weaknesses

Generally, the different legislative means and methods used in the protection of cultural heritage throughout the islands in the past vary from place to place. IN places where traditional legislative means and methods of protection are still being practices, people still strongly believe and respected them despite whatever form they may have been created, they are carefully observed and obeyed. The main weakness in these traditional legislative means and methods applied in the protection of the cultural heritage is that they have changed through time and as a result, people no longer take them seriously and many young people do not know their importance.

The by-laws introduced by the Provincial Governments are only effective where people know about their existence. In most communities, people do not even know whether they are or not allowed to sell, remove or discard any materials of cultural significance. The lack of proper educational programs in place to assist people aware and fully understand the importance of applying the powers of the by-laws for the protection of the cultural heritage is a major contributing factor to the successful implementation of these by-laws at the Provincial level. The family's needs are more important than the protection of cultural heritage. For example, if there are trees in an old sacrificial site worth selling for money to help meet school fees and other family expenses then the protection of the site is of secondary importance. This is where some of the by-laws aimed at protecting cultural heritage sites have power limitations in addressing.

The other limitation in the by-laws is the fact that they are only effective and applicable in the Province that created them. Their powers only cover and useable against people while they are still within the Province where they apply. Once they leave and gone to another Province where the by-laws are different, there are no powers under these Protection of Cultural Heritage by-laws to repatriate or arrest them even if they breached any of the regulations. For instance, if an object of cultural importance illegally leaves Province A for B and is discovered in X's possession, there are no powers under the current by-laws administered by these Provinces, to punish this person.

On the national scene, the situation in regards to the protection of cultural heritage and the legal mechanisms in place are limited. At this stage, even through various Acts have been in

place for quite some time now, their effectiveness is still inadequate when applying their legal powers nationally. For example, the Protection of Wrecks and War Relics Act only covers the war remains and wreckages but not the site on which they are located because legally the site is on land that still belongs to the traditional owners.

Even through the Ministry responsible for the issuing of permit under this Act grants permission to any interested person wishing to remove a wreckage from a particular site, that person is still required to obtain the consent of the land owners and pay any fees asked, before he or she is allowed to enter the site and do any salvage work. The other shortcoming as far as implementing this particular Act is concerned is the ineffective policing of its requirements. The Act does not give the Provinces powers to decide alone on the fate of any wrecks within their boundaries because such items belong to the whole nation and not owned by an individual Province or land owner.

The Ministries responsible for other Acts also shared similar experiences when it comes to administering their own Acts. The Research Act, for example, is a piece of national legislation that attempts to control the types of research work and people who carry them out. The Act was drawn up because of some bad experiences people had encountered in the past when outsiders went into their villages gathered information and in return made promises that were never fulfilled. This has resulted in people not allowing everyone else including some genuine researchers who have come to assist the people in various development projects from entering their communities. One of the aims of the Act is to assist and safeguard both the research and people's interests and integrity.

The unfortunate situation regarding the implementation of this particular Act is that sometimes a research topic may be important to the Central Government's development programmes but to the Provincial Government it may not be the case. Sometimes both levels of governments may agree but not the communities where the actual research work should take place.

The length of time taken before making any decisions on any particular application is too long especially when the sources from which the researcher secures funding normally set date lines. The main reason why it usually takes a long time before approving or rejecting an application is because of the lengthy process each research application has to go through.

For example, stage one in this process is that a Committee at the national level must first screen the application before it is passed on to the Provincial Assembly Executive to view it and make comments and finally the Area Council or House of Chiefs have to decide on it as well. The length of time the application has to go through the whole process as required under this Act is approximately nine months.

The time factor has already discouraged a number of outside researchers in the past from coming to the islands. Apart from the time factor, the other issue that often deters potential researchers from carrying out work in the island is the high fees communities often demand. This is because no set rate for fees has been included in the whole Act except a deposit fee that the researcher has to pay to the Central Government as a precaution. After completing the work and complying with all the requirements of the Act, the researcher receives back the full amount of the money paid in as deposit before granting the Research permit. If the researcher breaches any section of the Act, then he or she forfeits part or rest of the money and the government retains it as revenue.

The other important piece of legislation that attempts to protect aspects of the cultural heritage is the Copy Right Act of 1976. This particular Act has existed even before the country achieved political independence in 1978. It is a piece of letter designed by the Colonial Administration but it was dead. The Colonial Administration never enforced it and as a result, over these years, several companies and individuals have breached its regulations but no charges have been laid on anyone. There are some designs, motifs, and songs already copied illegally without the original inventors' or designs, motifs, or songs have been used for commercial purposes but those who invented or composed them have not received any royalties. Since the Act has never been gazette, it could not be enforced.

It is just recently when officers from the Ministry responsible for reviewing the existing Acts in the country started to involve in discussions relating to the area of Copy Right that they realize this Act is already in place but has not been enforced effectively. Since various UNESCO Pacific Member States are preparing their own national Copy Right Laws, the Ministry responsible for this particular Act is now taking steps in reviewing and reactivating by gazetting it.

The other important Ordinance passed before 1978 by the Colonial Administration was the Prohibited Export Act. During the National Museum's very early infancy states of development in the late 60s and early 70s, its cooperation with the Customs and Excise Department used to be cordial and strong. The main area of cooperation used to be under a particular section in the Prohibited Export Ordinance that covered artifacts and wild life specimens, administered by the Department of Customs and Excise. At that time, the control and protection of cultural material and wild life specimens from illegal exportation was very effective even through there were still some room for improvement as far as the protection of cultural heritage was concerned.

The cooperation used to be very strong and well established in the past by the fact that each time new officers were recruited into the Customs and Excise Department workforce, they were introduced to the national collection in the Museum as part of their training. After the officers had been exposed to the cultural material and wild life specimens in the collections,

they usually had a clear and fair understanding as well as idea of whether something is culturally or naturally genuine and important or not.

The normal process anyone interested in exporting objects recently made but already used for any cultural purposes have to follow as required under the Prohibited Export Ordinance is that they must first see the items to the Director of the National Museum who would then thoroughly inspected them. After the inspection is completed, a license is either issued or not depending on the Director's decision. In the case where approval has been granted, the license is reproduced four times and distributed so that the exporter, Customs and Excise Office on duty at the airport or seaport, Controller of Customs and Excise and the Director of Museum have a copy each for reference purposes.

Unfortunately, this process has relaxed a bit over the years. This may be due partly to the fact that there is a lack of knowledge by the new officers concerning the existence of this particular section which concerns about the exportation of artifacts and wild specimens or the section has been amended from the Prohibited Export Ordinance. One other possible contributing factor towards this relaxed situation may be because the new recruited officers no longer have briefs as part of their training at the National Museum on the important role they can play in protecting the national cultural materials and natural heritage as part of their immediate responsibility.

The lack of coordination and cooperation between the various organizations at the different levels, plus the absence of a national legislation for protection of culture and the authorities unawareness of specific regulations already in place for this purpose, have contributed to the inefficiency of the protection of cultural heritage throughout the country. This has resulted in the continuous disappearance of important tangible and intangible cultural heritage from the islands even through there are laws or by-laws already existed.

Future

Therefore, the appropriate authorities and institution responsible for the protection of cultural heritage need to re-examine the whole situation in the country, to put a halt to the current inconsistent trend of protection from continuing in the future otherwise it will be too late. Already a number of traditional methods, laws, authorities and institutions covering or responsible for the protection of cultural heritage have been identified and discussed in this paper. The obvious need which seems to emerge from the discussions is for a nation-wide review and research to be carried out to determine the actual number of different kinds of laws or by-laws already exist for the protection of cultural heritage at the various levels in the country.

The results from any findings would further strengthen the activities, laws and by-laws, institutions and governments on both the national and provincial levels to protect properly and effectively the nation's cultural heritage in the future, especially where there may be loopholes or weaknesses in these systems. In carrying out the review or research, any missing or weak provisions for closer collaboration in the protection of cultural heritage between various organizations, institutions, departments or provinces in the legal systems should be added and strengthened. Once any shortfalls in the existing laws or by-laws are clearly identified, they can be adequately addressed and easily amended wherever necessary or appropriate.

The situation can be easily improved in the future, if people work together with the institutions that are concerned with the protection of their cultural heritage. The immediate need in the case of Solomon Islands is to reestablish, reactivate and reconnect the cooperation between the government departments that already have laws with some kind of shared common aims in their provisions. The best case at hand is the Research Act administered by the Ministry of Education but has provisions that cover areas within the responsibilities of other departments or divisions such as the National Museum or Environment and Conservation under different ministries.

Conclusion

It is obvious from the information provided here that the protection of cultural heritage in Solomon Islands has not been adequately addressed at the national level at this stage. Even through certain Acts or by-laws have already been enacted at both the national and provincial levels by different governments, their powers are limited and in some instances, the departments or divisions responsible for the implementation of these laws seem to over look or not enforce the sections that cover the protection of the cultural heritage. Sometimes consultation between those who are responsible for the Acts or by-laws and the actual custodians of the cultural heritage is slack or does not exist at all.

Although there are institutions established at the national level for protecting different aspects of the cultural heritage, the support from the government and people is usually inadequate and the financial allocations made annually towards the services the staff members implement from time to time are insufficient. The National Museum is one of such institutions charged with the responsibility of looking after the material cultural heritage of the people of these islands. Unfortunately, it is generally treated with very low priority and its facilities are not respected by the youths.

The lack of a national cultural heritage legislation and the absence of any form of reciprocal by-laws on the protection of cultural heritage between the different Provinces have left open a flood gate through which people continue to lose various aspects of their cultural heritage. The

result of losing parts of a nation's cultural heritage has been evident in the islands for the past two years and if the current trend is not addressed quickly and actions taken to control or close the flood gate, the people will lose all and by the time they realize, it will be too late.

Tuvalu

By Siuila Toloa, Culture Officer, Ministry of Education, Sports and Culture

Introduction

Tuvalu is a small country consisting of eight islands. The people live in separate tiny islands with a population of over twelve thousand. They are Polynesian and live in an area of 26 square kilometers.

Background

UNESCO Convention on the “Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)” – the first global legal instrument for the protection of Cultural heritage from theft and pillaging.

It is ratified by 91 states but not including Tuvalu. In sharing with some of the legal people they showed their interest and support to the Convention as it is important for their archeology, pre-history, history, literature, art or science.

This 1970 Convention formulates basic principles on international protection of cultural objects. It contains requirements for legislative, administrative, and treating measures which the contract parties must take to hinder illegal transfer of cultural objects. These requirements are not self-enacting, i.e. they require specific enacting legislation. Nor are they retroactive. Moreover, responsibilities are formulated very broadly, which enables Convention states to adapt them to their specific situation, outlook and legislative possibilities.

The Convention is important for:

- Regulating the import and export of Cultural objects
- Forbidding acquisition of illegally exported cultural object for museum.
- Establishing a responsibility to inform nations of origin regarding cultural object which have been exported illegally.
- Calling for international cooperation in case danger looms of a country being exploited culturally.
- Setting up service centers to register and protect a nation cultural heritage.

There are no laws existing in Tuvalu that are in conformity with the above Convention. The only legislation in force in Tuvalu that may regulate the import and export of Cultural objects is the Customs Act 1964. Although goods prohibited or restricted to be imported under schedule

2 of the Act does not include cultural objects, the Minister may by order prohibit the importation of such artefacts considered under the Convention (section 33).

Crown Counsel Mr. Manase reported on the findings of the Workshop hosted by SPC in Noumea, New Caledonia on 26-28 February on “Model Law for the protection of Traditional Knowledge and Expression of Culture” that there are inadequacies of present systems of protection in the Pacific, exploiting by the rich and powerful countries of Pacific Islands and their traditional knowledge and expression of culture for financial gain (E.g. Japan patented nonu products) and that the owner of the traditional knowledge is not benefitting from others using this knowledge.

Tuvalu considers that the model law needs to be changed to reflect the Tuvaluan ways of life of and how they do things. Ways of usage, passing on and keeping of traditional knowledge and expression of culture. A similar system as described in the model law could be adopted for Tuvalu except that it’s not a regional but a national law.

It was recommended that workshop need to be carried out for ach islands to carefully explain to the people of Tuvalu about this protection mechanism that will make sure Tuvalu’s traditional knowledge and expressions of culture are not lost and that non-Tuvaluan cannot exploit the people’s traditional knowledge.

Conclusion

In conclusion, I would like to express my sincere thanks to Mr. Mali Voi and other staff of UNESCO Office in Apia for their great efforts in organizing this successful workshop.

Fakafetai lasi.

5. Report of Small Group Discussion

Group 1

Ms Karen Gosling, Mr Poasa Ravea, Dr Rufino Mauricio, Mr Gerard hindmarsh, Mr Gerard O'Regan, Ms Delphina Lee, Ms Lta Yoqona, Ms Siuila Taloa, Mr Etienne Clement

<p>Strengths</p> <ul style="list-style-type: none"> • Culture is already a big part of the economy/funding. • Most see the need. • Appreciation of cultural value. • Crucial to our revival. • Obligation under 1970 Convention recognized that legislation should protect our cultural heritage. 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Large tourism market replicating cultural heritage. • Most do not have full site inventories. • Most also have certain number of community members who do not see the need for cultural heritage. • Disjointed organizations. • Legislation is either ineffective or not there. • Political will does not elevate cultural development to desired level.
<p>Opportunities</p> <ul style="list-style-type: none"> • Interest in tourism and Pacific arts increasing. • Other resources for doing the inventories. • Regional organization for museum development (PIMA). • Customs and police in the region. • Push the ratification for UNESCO Convention. • Grass roots local groups can be mobilized. 	<p>Threats</p> <ul style="list-style-type: none"> • Increasing demand for artefacts. • Many artefacts not accounted for sites, families, communities. • Some of cultural services may be involved in trade. • Integrated programmes not corresponding local needs.

Group 2

Ms Jill Peterson, Mr Bryan Hanley, Mr Moses Ibsagi, Mr Nathan Kama, Mr Sione Sisifa, Ms Taase Fuia, Mr Katayoshi Shukuno

<p>Strengths</p> <ul style="list-style-type: none"> • Ability to utilize existing South Pacific networks for law enforcement. • Existing customs and Police infrastructure • Existing capacity for intelligence sharing • Interim controls through other Conventions e.g. Convention on the Illegal Trade in Endangered Species (CITES) (useful for intercepting artefacts made of ivory or other animal material) • Common language 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Incomplete or complex legislation • Lack of reference material • Current lack of awareness/understanding • Insufficient penalties • Geography • Access and ability to utilize electronic equipments i.e. computer technology
<p>Opportunities</p> <ul style="list-style-type: none"> • Raise community awareness through existing program e.g. Crime Stoppers, Frontline, Neighbourhood Watch, City Rangers, Information for travelers brochures • Emerging technologies 	<p>Threats</p> <ul style="list-style-type: none"> • Lack of resources due to higher priorities • Budgetary constraints • Political instability • Transnational organized crime • Internet crime

Group 3

Ms Timaima S. Buadoromo, Mr Tekautu Ioane, Ms Bernice JOash, Mr Mark Lindsay, Mr Robin Hekau, Ms Olympia E. MOrer, Mr Toetu Tuia Isaako, Mr Laurence Foanaota, Mr Marcellin Abong, Ms Jodi Bacchiochi

<p>Strengths</p> <ul style="list-style-type: none"> • PIMA international networks (ICOMOS, ICCROM, etc). • All museums' have a catalogue on which object ID can be based and Object ID is a good standard that is recognized worldwide. • Museums in the Pacific region and UNESCO recognized the problems with cultural heritage protection. 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Cultural heritage is a low priority for INTERPOL and customs – more interested in drugs, etc • Cultural heritage is also a low priority for government decision makers • Lack of awareness, communication and information on the Pacific Islands' problems with cultural heritage. • Some countries don't have legislation to protect cultural heritage and some legislation is not translated (French, etc) • Lack of coordination between key agencies e.g. Customs, Police, Interpol (nationally and internationally).
<p>Opportunities</p> <ul style="list-style-type: none"> • Possibility for recovery of cultural heritage objects through networking, legislation, UNESCO conventions, etc. • MOU's with Police/Customs/etc for each country. • Global sharing of information can change the awareness of the problems. • Creation of Pacific Beat – communication opportunities if new funding is made available. • NZ's PM is Minister for Arts/Culture and heritage. • Tourism (cultural heritage). 	<p>Threats</p> <ul style="list-style-type: none"> • Database and other information sources e.g. research and publications may be used by illicit buyers • Bio-colonization – theft DNA – human/flora/fauna – traditional knowledge, intellectual property etc from indigenous people. • Globalization and free trade • Tourism

6. Press Release

Saying No to Illicit Traffic in Pacific Cultural Heritage

Pacific partners in the fight against the illicit traffic of cultural property met in Nadi from 13 to 15 June to thrash out an action plan designed to encourage awareness and stem the tide of irreplaceable artifacts from the region. Eighteen countries were represented at the UNESCO sponsored workshop. Participants included museum and heritage experts, historic preservation specialists, custom officials, INTERPOL and national police officers.

Removing artifacts significant to a culture's history and spiritual identity away from their place of origin, usually for sale on the international art market, is increasingly being acknowledged by the international community as extremely un-ethical. But despite a 1970 UNESCO Convention against the trade, now ratified by 91 countries, trafficking in cultural objects has reached epidemic proportions, comparable to the arms and drug trade.

World-wide, the list of loss is long. Mali: 70 percent of all archaeological sites now plundered. Nigeria: bronze and terracotta figures worth US\$ 27 million stolen from a museum in Ife. Cambodia: armed bandits attacked the Angkor Conservation Centre and made off with the 20 most valuable artifacts. Italy: 120,000 stolen antiquities seized by police in the last five years. Only 5 to 10 percent stolen cultural property is ever recovered.

Recent experiences in the Pacific reveal the removal of objects under devious circumstances is increasing. During recent disturbances in the Solomon Islands, kastom artifacts were stolen from the National Museum in Honiara in ten separate break-ins. A huge and particularly stunning example of traditional stone money from Yap in the Federated States of Micronesia was recently intercepted on a boat traveling to California.

In Fiji, *Radami Waimaro* is an exquisite figurine carved from whale teeth that was last officially viewed by an Australian archaeologist in 1997. Its spiritual link to its custodial village of Taulevu, Matailobau, was documented by an early missionary. Villagers believed that figurine brought wealth, fertile lands and good health. But in February 1998, when Collections Department traveled to Taulevu to sight the artifact, they were told that their traditional Kava presentation was not sufficient to view it. A month or two later, the object was declared stolen by the custodial family and it is now believed that this artifact, worth around US\$ 100,000, is now awaiting sale on the international art market.

"Losing these touchstones is like ripping out the heart and soul of a community," says Dr Amareswar Galla of International Council of Museums (ICOM). "Many sales in developing

nations are motivated by poverty, but loss of these spiritual touchstones can leave a village like an empty shell.”

Bryna Hanley of the Queensland Policy says collectors view cultural property as a unique investment. One Australian study showed items rising in value an average 1900 percent over ten years, but Hanley believes that intangible value of these objects cannot be underestimated. “When items are returned to custodial owners, like the repatriation of sacred objects within Australia, you can actually see the physical well-being of the community improve. These items are more than dollars.”

UNESCO cultural adviser to the Pacific, Mali Voi, says the Pacific notion of cultural heritage is different from the more European object-and-monument view. “We have to recognize cultural heritage as being inclusive of cultural landscapes, living traditions, symbolic and spiritual values. These are what make us unique. We must not sell them at any cost!”

Workshop participants left Nadi with a vision that ensure will hopefully see more states pass protecting legislation and sign the UNESCO Convention, make accurate inventories of their sites and objects, train and resource their enforcement agencies. But all knew that real changes will only come through educating Pacific people, particularly youth, about the problem.

Adds Laurence Foana’ota of the Solomon Islands National Museum; “It is sad that many Pacific people no longer have any regard for cultural heritage. They will loot burial sites for cultural items to sell to tourists. They will sell their totems to travelling art dealers. Over the years, much has been lost through negligence, theft or trading to outsiders. These are the people we have to reach.”

Annexes: Information Documents

Annex A: General Information

WORKSHOP ON THE PROTECTION OF NATIONAL CULTURAL HERITAGE: NO TO ILLICIT TRAFFIC IN CULTURAL PROPERTY

13-15 June 2001, Nadi, Fiji

The 30th anniversary of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) - the first global legal instrument for the protection of cultural heritage from theft and pillaging was celebrated last year on 15 November at Paris, UNESCO headquarters.

Ratified by 91 states to date, the 1970 Convention concerns the protection of property “designated by the state parties as important for their archaeology, prehistory, history literature, art of science”. Its adoption by UNESCO’s General Conference of Member States on November 14, 1970, marked a major step towards the recognition of the fact that cultural property cannot be regarded as an ordinary commodity.

The Convention also recognizes that cultural property “constitutes one of the basic elements of civilization and national culture, and that its true value can be appreciated only in relation to the fullest possible information regarding its origin, history and traditional setting”.

Equally important is the recognition that it is essential for every state to become increasingly alive to moral obligation to respect its own cultural heritage and that of all nations”.

Past experiences in many of the Pacific Islands countries reveal that many of the material cultural objects were removed under devious circumstances. More so, no proper documentation was done for their destinations abroad. Even in these days such practices are a continuing concern.

UNESCO in collaboration with Member States ensures awareness is brought to public forum for close scrutiny and surveillance of such practices. Each nation must ensure to protect its cultural heritage.

Objective

By the end of the workshop, participants will have identified a number of practical resolutions and recommendations for future actions nationally and regionally. A consolidated regional

network strategy would have been discussed. It is anticipated that the following would be achieved:

- a) Initiation of national legislation where there is none;
- b) Review and consolidation of existing laws;
- c) Assessing the strength and supervision of laws nationally;
- d) Strengthen security in museums;
- e) Examine ways in which to develop public education for protection of cultural heritage;
- f) Discuss regional network.

Expected outcome

The workshop has been designed for participants to come up with a number of resolutions and recommendations to take back for action.

- a) An institutional public education action plan for protection of cultural heritage;
- b) Resolution for institutional strengthening;
- c) Recommendations for future actions;
- d) Regional network.

Workshop participants

An invitation to the workshop is being extended to the following:

- a) Museum and heritage professionals;
- b) Customs officers;
- c) Researchers;
- d) Journalists; and
- e) Interpol

UNESCO will sponsor two persons from each UNESCO Member States in the Pacific. It is recommended that museum and customs personnel who deal with the laws be considered the priority. All other interested individuals or organizations are welcome to attend at their own costs or sponsored by their organizations.

UNESCO sponsorship includes:

- a) An economic return airfare from the capital city of the country from which an approved participant originates. PTA's would be sent from UNESCO Apia Office;
- b) Any other routes participants may arrange should be paid by the participant and submit evidence of ticket after the workshop and this would be reimbursed equal to the value of the PTA.

- c) Hotel accommodation will be repaid from a portion of the DSA for each participant;
- d) The balance of the DSA, from which meals would be covered, will be paid upon completion of registration on the first day.
- e) Any excursion planned by the organizers

Applications should reach UNESCO Apia Office by 4 May 2001. Any late applications after the dead line will be considered on merit.

Country report

Participants from each nation should prepare a situational report for the workshop together with copies of any laws or regulations. Any related public awareness promotional material or recent document on protection of cultural heritage as an exchange of information amongst the participants.

Annex B: Workshop Programme

The structure of the workshop will consist of a keynote address, which will be followed by questions and discussions. Then topics will be given out for small group discussions. Group reports will then be presented at plenary sessions later in the day.

There will be five keynote addresses given during the workshop on the following key issues:

- a) Ethical and moral obligations;
- b) National legislation;
- c) Effective supervision of law;
- d) Public education; and
- e) Networking.

13 June 2001

Morning	Opening Ceremony
	Plenary session
	Keynote address: Ethical and moral obligations – International perspective. Group discussion. Group reports.
Afternoon	Plenary session
	Keynote address: National legislation – legal perspective. Group discussion. Group reports.

14 June 2001

Morning	Plenary session
	Keynote address: Effective supervision of law – police perspective. Group discussion. Group reports.
	Plenary session
Afternoon	Keynote address: Public education – museum perspective. Group discussion. Group reports.

15 June 2001

Morning	Plenary session
	Keynote address: Regional networking – collaborative parties.
	Finalize resolutions and recommendations
Afternoon	Adoption of draft report.
	Closing ceremony

Annex C: Participants' List

1. FIJI

Mr. Poasa Ravea, Permanent Secretary
Ms. Timaima s. Buasromo, Acting Director, Fiji Museum
Ministry of Women, Culture & Heritage and Social Welfare, Suva Fiji

2. FEDERATED STATES OF MICRONESIA

Dr. Rufino Mauricio, National Historic Preservation Officer
Mr. John Uwas, Assistant Secretary, FSM National Historic Preservation Office, Palikir
Pohnpei FSM
Customs and Tax Administration, Department of Finance and Administration, Palikir
Pohnpei FSM

3. KIRIBATI

Mr. Tekautu Ioane, Cultural Officer

4. MARSHALL ISLANDS

Ms. Bernice Joash, Executive Director
Mr. Terry Mote, Curator, Alele Museum
National Library and Archives, Majuro, Marshall Islands

5. NAURU

Mrs. Rubina Gideon, Project Officer
Mr. Amos Cook, Director, Culture Department, Government Office
Customs and Immigration, Government Office, Republic of Nauru

6. NEW ZEALAND

Mr. Gerard F Hindmarsh, Journalist (media)
Mr. Mark Lindsay, Policy Projects Manager, Ministry for Culture and Heritage
Mr. Gerard O'Regan, Culture and Identity Manager, Freelance
Tukurua Nelson, Ministry of Culture and Heritage, Wellington, NZ
Ngai Tahu Development Corporation, Dunedin, NZ

7. NIUE

Ms. Tagaloa Cooper, Environment Officer
Mr. Robin Hekau, Project Development Officer
Department of Community Affairs, Government of Niue, Alofi, Niue

8. PALAU

Mr. John Tarkong Jr. Chief, Division of Cutoms

Ms. Olympia E. Morei, Administrator, Belau National Museum, Koror, Republic of Palau

9. PAPUA NEW GUNIEA

Mr. Moses Ibsagi, Detective Senior Sergeant, Police Headquarters, Konedobu

10. SAMOA

Mr. Toetu Tuia Isaako, Museum & Archives Officer

Mrs. Delphina Lee, Senior Cultural Officer

Ministry of Youth, Sports and Culture, Apia, Samoa

11. SOLOMON ISLANDS

Mr. Nathan Kama, Assistant Comptroller/Board Enforcement

Mr. Lawrence Foanaota, Director of National Museum & Cultural Village

Honiara, Solomon Islands

12. TONGA

Mr. Viliami Takau, Deputy Director

Mr. Sione Sisifa, Assistant Crown Counsel

Post Secondary, Youth & Culture, Ministry of Education, Nukualofa

13. TUVALU

Mrs. Siuila Toloa, Culture Officer

Mrs. Taase Fuia, Assistant Custom Officer

Ministry of Education, Sports and Culture, Funafuti

14. VANUATU

Mr. Marcellin Abong, Curator,

National Museum of Vanuatu

Vanuatu Cultural Centre, Port Vila

15. UNESCO APIA OFFICE

Mr. Mali Voi

Ms. Juncal Plazaola

Ms. Iokapeta Eteuati

16. UNESCO CAMBODIA

Mr. Etienne Clement
Head of Office & UNESCO Representative in Cambodia
UNESCO Cambodia

17. RILO

Mr. Katayoshi Shukuno
Regional Intelligence Liaison Office, Tokyo Customs
Tokyo, Japan

18. AUSTRALIA

Ms. Jill Peterson, Manager, Gen Manager, Prohibition & Restriction Policy, Australian
Customs Service
Ms. Karen Gosling, Cultural Development, Dept of Communication, Information Technology
& the Arts

19. FACILITATOR

Dr. Amareswar Galla
Executive Director, Australian Forum for Cultural Diversity Canberra & President, ICOM Asia
Pacific (ASPAC)