Intangible Cultural Heritage Safeguarding Efforts in Palau

In collaboration with the National Commission of the Republic of Palau for UNESCO
Field Survey Report

Intangible Cultural Heritage Safeguarding Efforts
in the Asia-Pacific
2012

International Information and Networking Centre for
Intangible Cultural Heritage in the Asia-Pacific Region
under the auspices of UNESCO
In collaboration with the National Commission of the Republic of Palau for UNESCO
The International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO (ICHCAP) has carried out various bilateral projects to safeguard intangible cultural heritage (ICH) with Member States in the region. These projects, in the Centre’s areas of specialisation—information and networking—have acted as stimulants to build ICH information and strengthen solidarity throughout the region.

In this context, ICHCAP initiated the project Field Survey of the Intangible Cultural Heritage Safeguarding Efforts in the Asia-Pacific Region in 2009. The project aims to collect information on safeguarding systems and policies, ICH inventories, ICH-related organisations, ICH lists, and pending issues regarding ICH safeguarding, and it aims to obtain a grasp on the current situation to discover appropriate measures to promote ICH safeguarding. Since 2009, the project has been carried out in over twenty-five Member States of the Asia-Pacific region.

In 2012 as well, ICHCAP worked in collaboration with experts and institutes from five countries—Kazakhstan, Vanuatu, Palau, Myanmar, and Iran—to carry out the field survey project. The final report from the project will be used as a resource for states within the region to strengthen their understanding of ICH in other countries in the region. It will also serve as a resource that will help determine particular needs and provide a direction for new cooperative projects for safeguarding ICH.

In particular, Mr Dwight Alexander, Director of the National Commission of the Republic of Palau for UNESCO, and his research team actively cooperated with ICHCAP on the 2012 field survey in Palau. Owing to the team’s efforts, we now publish this report on the situation of Palau’s ICH safeguarding efforts.

ICHCAP will continue this project over the next several years to cover all the Member States in the Asia-Pacific region. We would like to express our sincere gratitude to the organisations and individuals who worked together on this field survey project.

Samuel Lee, Ph.D.
Director
International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO
## Intangible Cultural Heritage Safeguarding Efforts in Palau

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Introduction

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

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

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

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

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

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

Palau’s intangible cultural heritage like other Pacific Island countries has witnessed social changes that influence much of the cultural transformations and sometimes even loss. From Spain colonization and the introduction of Christianity, to Germany and its trade policies, to Japan and World War II, and unto U.S. Trusteeship Agreement and its education, health, and social welfare programs, Palau intangible cultural heritage has seen its share of acculturation. Beginning with Spain rule where Christianity was to be the new norm and behavior of Palau’s society, traditional spiritual and natural practices and observations were to be controlled and even eliminated so as not to compete with the missionaries’ goal.

According to Kramer’s Palau Volume 3, Material Culture and Cultural Life, 1926, in the divisions for labor men were responsible for “war, hunting, fishing, care of the trees, collecting for palm wine, woodwork, construction of houses and canoes, navigation, rope-making and preparation of fibers, and the drilling of money. The women were in charge of: taro patch, weaving mats, pottery, making clothes, tattooing, cooking.” In addition, Barnett, Palauan Society 1949, Study of the Contemporary Native Life in the Palauan Islands, a study that takes place after the second World War and into the beginning of Palau’s society under the Administration of the United States, under United Nation Trust, he reflects on Palau’s societal change from the traditional into the contemporary. From his writing the change of lifestyles of the Palauans as they adopt to the new way of life, it is clear that the local people gravitating towards materials and a culture of the westerner changing labor industries from which the intangible cultural knowledge derive from. Construction of traditional homes and canoes are slowly replaced with engine motored boats, and homes begin to take more of a foreign context of architecture. Cloths are also replaced by clothing made from local seamstress who picked up the skills from Japanese people and others who attended Japanese trade schools.
From the gender specific labor and in comparison to the current cultural practices of Palau, it is clear that so much change has taken over the societies of Palau thereby eliminating some of the mentioned practices for men and women. For instance, for the division of men, war, constructing of canoes, navigation, and drilling of bead money is completely eliminated from today's practices of men. As for women, pottery and tattooing have been eliminated from today's practices. Hunting, fishing, care of trees, construction, rope making, and preparation of fibers is left to the few and not as regularly practiced as men are increasingly participating in wage earning jobs and rarely participate in the aforementioned labor unless for recreational or for cultural showcasing. Of all the mentioned labor for male fishing is perhaps the only practice that remains strong amongst men for recreational and subsistence living. Collecting of palm wine is taken place only in the Southwestern Island of Hatohobei and Tobi, while pottery is currently being revived by a project from Belau National Museum for the last two years, and making of cloths is of a store bought item, unless for cultural demonstration event, or a cultural ritual. It is from these labor industries that the intangible knowledge was used to produce and sustain livelihoods. As changes take over with a more dominant western influence, Palauans are striving more and more to document and revive some of its intangible cultural heritage thru national cultural events and unconventional training programs for the younger generations. Its membership into the convention for safeguarding of intangible cultural heritage is a crucial and necessary step for such a goal for the nation to achieve.

The Republic of Palau became a member of the Convention for the Safeguarding of Intangible Cultural Heritage in November 2011. As a new member, Palau has began its assessment of the current status of nation's intangible cultural heritage in comparison to the conventions criteria for nominations towards any of the UNESCO ICH qualifications. In year 2011, a cultural mapping of Palau was complete and reported that provided an overview of Palau's current cultural heritage protection and promotion as a means to feeding the development of a cultural policy. A copy of the report can be accessed at www.spc.int/hdp/index.php?option=com_docman&task. Most of the ground work in the identification and documentation of the intangible cultural heritage are managed under the Ministry of Community and Cultural Affairs as the responsible government agency. Others within the government and of non government agencies are actively promoting the use and passage of the knowledge, but little is done towards documentation. It is within the government
where documentation is generally practiced, with promotion as a coordinated effort between the government and non-government agencies. Such non-government agencies or civil societies include:

- Belau National Museum, line agency to the Ministry of Community and Culture, safeguarding Palau’s cultural materials, oral history, natural history, etc.
- Mechesil Belau (Palau Women), an overall Palau women association conducting an annual event to discuss the pressing issues of Palau some of which are intangible cultural heritage.
- Belau Potters Association, a newly introduced organization for the revival of Palau’s pottery.
- All current and active traditional Palauan men and women’s group who are practicing and promoting various intangible cultural heritage such as:
  - Melekeok Ngaramecherocher- Traditional architecture of Palauan Bai (traditional leaders building) and stone platform engineering
  - Ngerubesang Men’s Club- traditional architecture and stone platform engineering
  - Ngarachamayong traditional performance art training for girls
  - Ngardmau Ngaraokelout men’s war dance group

The rest come together to perform during the National cultural events on an annual basis. Below table and description is an excerpt from Palau Cultural Mapping (Kloulechad-Singeo 2011).
## National Cultural Events

Table 1. Current National and State Events

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
<th>Coordinating Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Olchotel Belau Fair (ongoing)</td>
<td>Performance art staged, crafts, food, plants, etc</td>
<td>Ministry of Community &amp; Cultural Affairs/ State and Communities</td>
</tr>
<tr>
<td>Mechesil Belau Annual Conference (ongoing)</td>
<td>Current issues of Palau Society</td>
<td>Mechesil Belau/ Ministry of Community and Cultural Affairs</td>
</tr>
<tr>
<td>Festival of Pacific Arts</td>
<td>Every 4 years cultural event for all Pacific Island countries</td>
<td>Ministry of Cultural Affairs/ State and others</td>
</tr>
<tr>
<td>Koror Friday Night Market</td>
<td>Cultural Market once a month</td>
<td>Palau Visitors Authority</td>
</tr>
<tr>
<td>Constitutional Day</td>
<td>July 9th of every year</td>
<td>Ministry of Domestic Affairs/Ministry of Community and Cultural Affairs/State and Local Communities</td>
</tr>
</tbody>
</table>

These are just some of the cultural events consistently conducted at the Community, State, National, or Regional level on a monthly level, to annual and on to every 4 years. Documentation of the events can be obtained by the main organizing entities or by the Bureau of Arts and Culture as part of their cultural information collection. Other than cultural events, there are community based programs conducted in partnership with the local communities for the purpose of conserving and protecting Palau’s nature and culture. Such programs are included in the below table 5 (Kloulechad-Singeo 2011).
Table 2: Joint Programs; Government/Communities

<table>
<thead>
<tr>
<th>Program</th>
<th>Description</th>
<th>Coordinating Agency (s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palau Register of Historic Places</td>
<td>Identifying and registering of all important historical</td>
<td>Bureau of Arts and Culture/State/Communities</td>
</tr>
<tr>
<td>(Ongoing Program)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belau Watershed Alliance</td>
<td>Protection of Traditional Watershed</td>
<td>State/Local Communities/TNC/Palau Conservation Society</td>
</tr>
<tr>
<td>(Ongoing Program)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palau Protected Areas</td>
<td>Identifying of critical natural properties of Palau for conservation purposes</td>
<td>Palau Conservation Society/State/Local Communities</td>
</tr>
<tr>
<td>(Ongoing Program)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Archeology, Survey, &amp; Inventory</td>
<td>Archeological surveys and documenting</td>
<td>Bureau of Arts and Culture/State/Communities</td>
</tr>
<tr>
<td>Society of Historians; Oral History and Ethnography</td>
<td>Oral history/ culture preservation thru documentation</td>
<td>Bureau of Arts &amp; Culture, State and Communities</td>
</tr>
<tr>
<td>(Ongoing Program)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belau National Museum</td>
<td>National cultural showcasing and preservation</td>
<td>Belau National Museum-NGO/Ministry Community &amp; Cultural Affairs</td>
</tr>
<tr>
<td>(Ongoing Program)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ebiil Summer Camp</td>
<td>Nature &amp; Culture based summer camp for youth</td>
<td>Ebiil Society Inc.-NGO/Local communities/Bureau of Arts and Culture/Palau Conservation Society/ Belau National Museum</td>
</tr>
</tbody>
</table>

With the assistance of local communities, the ethnic knowledge important to the preservation of Palauan culture and its environment is identified, documented and protected through laws or policies by the various actors mentioned in the table above. Using the bottom up planning strategy these community based programs employ community members’ knowledge and contribution into planning and implementation for effective cultural or natural properties protection and promotion. One of the recommendations from the conducted consultancies was to develop strong support for community based organizations as a strategy for appropriate and effective development of community programs (Kloulechad-Singeo 2011).
II. Safeguarding System & Policy

1. Laws and Policies

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

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

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

A. Constitution- article 5, Traditional Rights
   1) Government shall take no action to revoke the role or functions of traditional leaders...
   2) Statutes and Traditional law shall be equally authoritative.

B. Title 19 – Historical and Cultural Preservation Act RPPL 1-48 1995;

This act provides statutes for the development of the following governmental agencies and the required rules, regulations, and operational structures in order to function properly. Legal Establishment of the following agencies;
• Division of Cultural Affairs
• Belau National Museum
• Palau Historical and Cultural advisory board
• National Archive
• Cultural and Historical Preservation activities of the State
• Historical Sites and Tangible cultural properties
• Palau Lagoon Monument
• Environmental Protection
• Wildlife Protection

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

• Administration, protection and development
• Permits to examine
• Rules and regulations
• Penalties

C. Copyright Act – RPPL No. 6-38 Jan 2001

• Copyright protection of original works and for the protection of performer’s rights; and for other related purposes

D. Language Commission- RPPL No 8-53 Apr 2009

• Establish Palau language commission to provide for the preservation and development of Palauan language; and for other related purposes.

E. State Level – Govern under the Title 19 for the role of States for historical and cultural preservation. All identified and registered historical sites are protected under State laws.
<table>
<thead>
<tr>
<th>State</th>
<th>Title</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ngarchelon</td>
<td>To create Ngarchelon State Board of Historical &amp; Cultural Preservation, Office of Historical and Cultural Affairs and for other purposes</td>
<td>NSGPL No. 89 2000</td>
</tr>
<tr>
<td>Melekeok</td>
<td>To create a Melekeok State Board of Historical &amp; Cultural Preservation, Office of Historical &amp; Cultural Affairs and to prescribe certain functions and duties of the Historical &amp; Cultural Affairs and for other purposes</td>
<td>Melekeok State Bill No. 15 (1985)</td>
</tr>
<tr>
<td>Ngeremlengui</td>
<td>To create a State Board of Historical &amp; Cultural Preservation Office of Historical &amp; Cultural Affairs and to prescribe certain functions and duties of the Historical &amp; Cultural Affairs and for other purposes</td>
<td>Public Law No. 21-89 (1989)</td>
</tr>
<tr>
<td>Angaur</td>
<td>To create an Angaur State Board of Historical &amp; Cultural Preservation and to prescribe its powers, functions and duties and for other purposes</td>
<td>A.P.L. No. 13-03 (2007)</td>
</tr>
<tr>
<td>Ngchesar</td>
<td>Elmo omekdubech ra Ngchesar Historic Sites Commission; e omechobech a ngerchelel ma sekining er ngii; mo omekdubech ra Obis ra State el Obis ra Historical Sites ma Antiquities, ma lauk di ngodech lobengkel tegoi</td>
<td>Ngchesar State Public Law No. 34 (1986)</td>
</tr>
<tr>
<td>Hatohobei</td>
<td>To create a Hatohobei State Board of Historical &amp; Cultural Preservation, to prescribe certain functions and duties therefore, and for other related purposes</td>
<td>HSPL No. 6-55-06 (2006)</td>
</tr>
<tr>
<td>Aimeliik</td>
<td>Relating to historical sites and antiquities, and for other purposes</td>
<td>ASPL No. 3-18 (1989)</td>
</tr>
<tr>
<td>Location</td>
<td>Purpose</td>
<td>Law/Act</td>
</tr>
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</tr>
<tr>
<td>Airai</td>
<td>To create an Airai State Advisory Board of Historical &amp; Cultural Preservation, Office of Historical &amp; Cultural Affairs and for other purposes</td>
<td>ASPL No. A-2-27-97 (1997)</td>
</tr>
<tr>
<td>Peleliu</td>
<td>To prohibit the taking or removal of artifacts, relics, human remains or the ashes of human remains, and other historical property in the State of Peleliu, to provide penalty, and for related purposes</td>
<td>Peleliu State Public Law No. 09-83 (1983)</td>
</tr>
<tr>
<td>Ngaraard</td>
<td>To create the Ngaraard Historic Sites Commission; to prescribe its duties and responsibilities; to establish the State Office of Historic Sites and Antiquities, and for other purposes</td>
<td>NSPL No. 2-15 (1987)</td>
</tr>
</tbody>
</table>

Compiled by Sunny Ngirmang © Oct 2009
2. Pending proposed bill;

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

- To establish system for protection and promotion of Traditional Knowledge and Expressions of Culture from commercial exploitations of inaccurate and inappropriate representations. As such, the act will establish a new form of intellectual property identified as “traditional knowledge and expressions of culture,” to identify ownership of properties in the “appropriate traditional groups, clans, and communities, and to provide a means to allow the owners

- To transfer certain ownership rights for non-customary use in a manner that will assist in the preservation of Palau’s cultural heritage, allow for appropriate promotion of Palauan culture, and provide compensation to Palauan owners for the use of these cultural resources.”

**Orthography Act – Senate Bill No 7-79:**

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

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

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

- **Ministry of Community and Culture**
  P.O. Box 100, National Capital Ngerulmud,
  Melekeok, Republic of Palau 96937
- Phone: (680)6-767-1126
- Email: mcca@palaunet.com

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

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

**Palau Cultural Policy**
Pending adoption and implementation is Palau Cultural Policy (Kloulechad-Singeo 2012), with the Bureau of Arts and Culture under the Ministry of Community and Culture. The draft policy was developed based on the cultural mapping informing process and through experts and community consultations in Palau. The complete cultural mapping and drafting of the policy was completed by December 2011 with final editing and approval in January 2012. The policy will be implemented and monitored by a partnership between Ministry of Community and Culture, Bureau of Arts and Culture, and the National Council of Chiefs of Palau. The current effort is to seek financial assistance in working towards the final approval of the policy, its implementation and monitoring. Palau as an independent nation has never had a policy driven protection and promotion of its culture. The creation of this policy gives way to the first National policy on the promotion and protection of Palau’s culture. By this policy, the revival of Palauan culture is foreseen at the strengthening of the traditional leadership through accountability and integrity, of the higher level of institutional development for fine arts and humanities, and for economical development in the cultural industry. Required infrastructures are similarly called upon as well as a call for a stronger political will from the traditional and nontraditional leaders of Palau in order to realize the optimal opportunities vested within Palau’s culture and its people (Klouelchad-Singeo 2011).
Palau National Policy on Culture 2012-2021 is for the purpose of protecting and promoting Palau's cultural heritage. The main objectives to the policy are as follows:

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

Providers of the collected information include:

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

The Bureau of Arts and Culture has registries for most of Palau’s historical sites and continues to identify and register new sites. The sites are registered with the U.S. Park and Recreational Services, a U.S. federal fund program for protection of cultural and historical sites. The sites are endorsed by State laws and by that endorsement they are maintained and protected by the State Government. Any development activities are required clearance at the Bureau of Arts and Culture for the protection of cultural and historical sites. In a separate department under the same bureau within the oral history section a National historical advisory committee is created to review and approve of any collection and documentation for publication on Palau’s intangible cultural heritage. Membership to the committee is through State government nomination, and as such there are 16 members representing all 16 States. Bureau of arts and Culture continues to identify and document oral history and cultural expressions of Palau on a regular basis and during any cultural events. These are just some of the data collection or information registries that can be utilized in maintaining cultural knowledge in Palau society. Further description of data collection is reflected in below Table 3.

Although there is an increased effort to document the intangible cultural heritage and knowledge, the materials have yet to be electronically digitalized for preservation and easy access for application and promotion by educational mediums or individual users. There are several volumes of complete materials on Palau’s intangible cultural heritage available at the Bureau of Arts and Culture as a result of the work and guidance by an expert commission referred to as Palau Society of Historians as an expert advisory group for Bureau of Arts and Culture. The finished volumes include:

1. Rechuodel: Volume I and II
   Cultural and traditional practices processes
2. Ethnographic and Oral History surveys for all 16 States of Palau
Every State has a developed oral history booklet with the identified historical and cultural sites as remnants and tangible evidence to the oral history. The project was conducted under the Bureau of Arts and Culture.

3. Various traditional knowledge and practices handbook
   Pregnancy and Birth
   - Lists the *healthy pregnancy practices* and processes that an expecting mother and the supporting family members must adhere to from the beginning till the end of the pregnancy. The practices include diet, medicine, physical, spiritual, and physiological health maintenance, and the final process of traditional healing of the mother, and the celebration ceremony to commensurate the importance of the new life and the recovery of the mother. This may be including the wedding ceremony of a newlywed if families choose to do so at the time.
   - The *ceremonial celebration* of the new life and the mother includes exchange of food and monetary values between the families of the male and female parent of the new child. The male family contributes money for the woman's family and for child support, while the female's family prepares the food and the ceremonial event as a whole.
   - *Medicinal treatment* for the mother is provided by a traditional healer for after giving birth. The treatment is either a heritage within their own lineage or owned by an outsider and has to be paid for. Duration of the healing process varies depending on the lineage or clan.
   - *Costume and decorative ornaments* to adorn the mother during celebration is also traditionally owned by lineage or clan and specific their use only. This practice is slowly dissipating and has transformed over time. Traditional ornaments ownership is usually imprinted by the colors of the tree fiber skirt, the headdress, and the bead money. Generally, women were topless during the ceremony, a practice that is almost eliminated with
   - Modern concerns for discretion that began with the earlier European missionaries.
Below pictures depict the ritual processes of healing to celebration of new life with the cultural materials used.

Capture in the picture is the ceremonial celebration of the first child and the mother’s health. In the picture are a new mother and the baby’s aunts. They are showing off the newborn. The new mother is adorned with the following:

- Fiber skirt made from hibiscus plant tree bark, that has been treated and dyed with turmeric,
- A breast cover up made of coconut shells, a transformation from the traditional bare chest practice
- A belt to cover the belly button and hold the stomach made from turtle shells
- A bracelet made from turtle shell
- A Palauan bead money as a necklace
- Earrings from turtle shell
• A headdress of flowers laced with coconut fronds
• Her skin is anointed with yellow medicinal blend of turmeric and coconut oil
• Finally a leaf from the herbal bath is placed on her right hand also used to wipe sweat or oil from her eyes
• She walks and stands on a coconut leaf woven mat

And placed in front of her in a basin are steaming fragrant herbs for the guest to use for bathing her feet while dancing, can be seen in the above right photograph. The dancers are female members of the husband’s family. A transformation of the ceremony is while the dancers are usually the husband’s family, many Palauan women are participating in interracial marriages and at such times where the husband’s family may not be available the family of the woman’s father will celebrate with the new mother.

Other finished booklet on culture from the Bureau of arts and Culture are listed below.
4. Death Funeral and Related Responsibilities
5. Traditional Leadership in Palau
6. Hereditary Status and Strength
7. Economy and Trade
8. Medicine and Therapy
9. Traditional Items of a Household
10. Entertainment
11. Relationship Between Villages
12. Traditional Laws and Principles
13. Settlement of a Deceased Person’s Estate
14. The Traditional Education
15. Proverbs of Palau
16. Stories with Moral Lessons
17. Clubs

All finished documents listed above are available in English and the local Palauan language.

The Belau National Museum is one of the oldest and most developed museums in the Pacific region and is comparable with the Vanuatu Cultural Center, and the Jean-Marie Tjibaou Museum in New Caledonia. It has a well represented artifact collection, oral history and ethnographic collection, natural history, and research center. Additionally it is well represented academically and has provided an avenue for university level research from its establishment. The Belau National Museum is well connected with internationally acclaimed institutions of culture like the British Museum and continually participates at such levels of international exhibitions such as the Spanish Exhibition, Palau Spanish Agreement Cooperation 2004-2005 (Kloulechad-Singeo 2011).
Table 4. Data Collection

<table>
<thead>
<tr>
<th>Contributor</th>
<th>Data Collected</th>
<th>Reporting Capability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bureau of Arts &amp; Culture</td>
<td>Archeology of all surveyed and registered historical sites</td>
<td>Raw Data</td>
</tr>
<tr>
<td>2 Bureau of Arts &amp; Culture</td>
<td>Intangible Heritage; Oral History, Individual Elderly registry of traditional skills</td>
<td>Raw Data</td>
</tr>
<tr>
<td>3 Bureau of Arts &amp; Culture</td>
<td>Photographs of Palau</td>
<td>Collection deposit</td>
</tr>
<tr>
<td>4 Bureau of Arts &amp; Culture Research Library</td>
<td>Finished Materials</td>
<td>Collection deposit</td>
</tr>
<tr>
<td>5 Belau National Museum</td>
<td>Computer based registries for cultural artifacts, birds, insects, plants, audio, and media</td>
<td>Raw Data</td>
</tr>
<tr>
<td>6 Belau National Museum Research Library</td>
<td>Finished Materials Electronic catalogue</td>
<td>Reporting Capabilities Available</td>
</tr>
<tr>
<td>7 Archives</td>
<td>Computer Based Registry</td>
<td>Raw Data</td>
</tr>
</tbody>
</table>
Non-governmental inventory

The only two museums in Palau are under the management of Belau National Museum a non governmentonal organization as a line agency under the Ministry of Community and Culture and the Etpison’s Museum.

1. Belau National Museum
   - Cultural Materials
     Over 6000 collection, displayed throughout the year according to cultural themes
   - Pottery training-
     Training facilities in Koror and Ngaremlengui State and display of finished materials at the Museum
   - Library
     Major collection of finished documents and access point for academic research
   - Natural History
     Herbarium, botanical garden, display of insect, native and endemic birds, and endemic and native plants
   - Gift shop for arts and craft

2. Etpison’s Museum
   All cultural materials displayed are purchased from private individuals and owned by the Museum.
   - Cultural Materials
     Palauan bead money
     Wood carvings
     War relics
     Books
     Other Pacific Island materials
   - Gift shop for arts and craft
     Story Board
     Handy crafts from other countries
     Books
IV. Relevant Organisations

1. Governmental Organisations

Government organizations mandated to preserve and promote Palau’s cultural knowledge and practices are aligning under the Ministry of Community and Culture.

Ministry of Community and Culture
Address: P.O. Box 100, National Capital Ngerulmud Melekeok, Republic of Palau 96937
Phone: (680)6-767-1126
Email: mcca@palaunet.com

Bureaus

- Bureau of Arts and Culture
  Director: Dwight Alexander
  Address: P.O. Box 100, Koror, Republic of Palau 96940
  Phone: (680)488-2489
  Email: histpres@palaunet.com
  Field of concentration: Collect and document cultural heritages in Palau
  Advisory Body: Palau Society of Historians & Cultural Advisory Board ICH experts

- Bureau of Aging and Gender
  Director: vacant
  Minister: Faustina Rehuher-Marugg
  Address: P.O. Box 100, Koror, Republic of Palau 96940
  Phone: (680)488-2575
  Email: adminaging@palaunet.com
  Field of concentration: Traditional Arts & Expressions with elderly
  Advisory body: Senior Citizens Council
  ICH experts, advisory committee: none
• Bureau of National Archives
  Director: Naomi
  Address: P.O. Box 100, Koror, Palau 96940
  Phone: (680)488-4720
  Email: archive@palaunet.com
  Field of concentration: any national documents of importance
  Advisory body: none
  ICH experts, advisory committee: none

**Line Agencies**

• Belau National Museum
  Director: Olympia Morei
  Phone: (680)488-4079
  Email: bnm@palaunet.com
  Field of concentration: Cultural Materials, Natural History, Palau Pottery
  Advisory body: Board of Directors
  ICH experts, advisory committee: none

At this point in time there are no existing associations for intangible cultural heritage preservation. There are groups of men and women, and other non-governmental organizations that participate in intangible cultural heritage preservation, but not associations. Some of the known organizations have been listed in the below table. Similarly, Palau does have any UNESCO Representative List of Intangible Cultural Heritage of Humanity. Although there are organizations of knowledge holders that the Bureau of Arts and Culture consult with for advice and approval of projects and documentation of Palau cultural heritage, whether its tangible or intangible, they have yet to develop rules or regulations for its membership. At current a request letter is sent to the State government to identify and endorse a knowledge holder for a seat in the 16 member organization as a known and trusted knowledge holder. The members meet regularly or as needed to review and advice on draft documentations of Palau’s heritage both tangible and intangible. This organization is a potential registrant to the Living Human Treasures System, once the required processes are fulfilled. The groups are locally known as Palau Society of Historians.

From the various ethnographic studies of Palau’s culture, Kramer’s Results of the South Pacific Expedition 1908-1910 is probably referenced the most as the earliest and most complete description of Palau’s culture at the time. Following
Dr. Kramer’s ethnology of Palau's culture is Hizigata Hisakatsu, a Japanese artist and an ethnographer, who travelled throughout Palau recording his observations and experiences in Palau’s culture. His work provides another earlier analogy of Palau’s society and its cultural heritage. In his collective work, it is clear that in comparison to what Dr. Kramer has witnessed and wrote about of Palau’s culture is changing rapidly. For instance Kramer mentions practices of “war, hunting, fishing, care of the trees, collecting for palm wine, woodwork, construction of houses and canoes, navigation, rope-making and preparation of fibers, and the drilling of money as men’s labor and the women in charge of: taro patch, weaving mats, pottery, making clothes, tattooing, cooking.” Eventually Palau becomes part of UN Trusteeship Agreement with the United States and by then western lifestyle has drastically taken over the lifestyle of Palauan and the competition is getting motor powered boats, building plywood and tin roof houses, getting a car, etc. By then the cultural practices and knowledge are beginning to take less precedence while the indigenous people strive to acquire a taste of the western life.

2. Non-governmental Organisations
Non Governmental Organizations with efforts focusing on preservation and promotion of cultural heritage include Belau national Museum, Ebiil Society Inc., and Mechesil Belau.

Belau National Museum
Belau National Museum was established in 1955 by a group of local Palauns with interest in preserving Palau’s culture’s and has evolved to its current status as a line agency to the Ministry of Community and Cultural Affairs, still maintaining its autonomous governance by a Board of Directors. As mentioned before its has over 6000 cultural materials, a natural history section with a botanical garden and herbarium, a pottery training program and display, and a major research library.

Ebiil Society
Ebiil Society is a new organization only 8 years old provides education of indigenous knowledge for youth during the summer when school is out, and during the school year as an internship program for young people. The summer camp has average participants of 30 in the State of Ngarchelong with recent expansion into the State of Ngaraard. Year 2012 provided training of various indigenous knowledges to 72 participants in both States, a research program for
high school and college students in ethnobotany (10 participants), SCUBA Diving certification (10), and Fishing epistemology (10). Please refer to attached monograph.

**Palau Potters Organization**
Palau Potters Organization represents the newly trained potters who have become trainers of new students and have begun to develop a new market in the arts and craft area. The organization is one year old.

**Mechesil Belau**
Mechesil Belau is an organization of Palau traditional women’s group and is also participating in the promotion and preservation of Palau’s culture. Further details of the organization are mentioned in the section below on meetings. The organization has been conducting an annual conference for 18 years.
<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Field of Concentration</th>
<th>Advisory body</th>
<th>Project details</th>
<th>Person in charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belau National Museum</td>
<td>Koror, Palau</td>
<td>Natural History, Cultural Material Exhibition, Cultural training programs</td>
<td>Board of Directors</td>
<td>Multi projects and year round</td>
<td>Olympia Morei</td>
</tr>
<tr>
<td>Ebiil Society Inc.</td>
<td>Ngerchelong, Palau</td>
<td>Youth Education on Indigenous Knowledge towards conservation</td>
<td>Board of Directors</td>
<td>Multi projects/ year round</td>
<td>Ann K. Singeo</td>
</tr>
<tr>
<td>Palau Potter Org</td>
<td>Koror, Palau</td>
<td>Revival of Palau’s pottery</td>
<td>Board of Directors</td>
<td>Palau Pottery; 2 yrs</td>
<td>Meked Besebes</td>
</tr>
<tr>
<td>Mechesil Belau</td>
<td>Koror, Palau</td>
<td>Safeguarding of Palau’s culture</td>
<td>Female Head of State</td>
<td>Cultural Expressions and processes- Once a year conference and exhibition</td>
<td>Bilung, Gloria Salii</td>
</tr>
</tbody>
</table>
An annual workshop on Palau's intangible cultural heritage is conducted by the Bureau of arts and Culture, Ministry of Community and Cultural Affairs. The workshop focuses on strengthening the protection, preservation, and promotion of cultural heritage of Palau. The event is regularly attended by local traditional Chiefs and various stakeholders from relevant agencies such as, Belau national Museum, National Council of Chiefs, Palau Visitors Authority, Belau tourism Association, Ministry of Education, Non-Governmental Organizations of related focus, private citizens and the Ministry as a whole. The workshop has been conducted every year since 2005. The last one’s theme was “Heritage leads to Economic Prosperity.” Another National conference is the “Mechesil Belau Women’s Conference,” which focuses on the role of women on the strengthening and promotion of Palau’s culture. The conference is traditionally held at the end of March to coincide with World Women’s Day and normally has over 300 participants. During the conference, cultural materials and expressions are displayed and demonstrated. The conference draws participants from leadership and the local women’s organizations.
Table 6. Meetings on ICH

<table>
<thead>
<tr>
<th>Name of Meeting / Person in charge</th>
<th>Theme / Duration</th>
<th>Participants</th>
<th>Speakers</th>
<th>Main Context</th>
<th>Points of discussion</th>
<th>Actions Adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Preservation Symposium by Bureau of Arts and Culture, Ministry of Community and Cultural Affairs / Director: Dwight Alenxander</td>
<td>Heritage leads to Economic Prosperity / 2011 (every year since 2005)</td>
<td>68 persons, traditional leaders, State Governments, National governments, National Legislative members, private individuals, Environmental Quality Protection Board, Palau International Coral Reef Center</td>
<td>Chief Reklai Bao Ngirmang, Chief Ngirakebou Roman Bedor, Minister Faustina Rehuher-Marugg, Dr Allen Olson, Palau Visitors Authority, Belau Tourism Association, Jolie Liston, Bureau of Arts and Culture Staffs</td>
<td>Importance of preserving cultural heritage of Palau, the current work towards its preservation, general public awareness</td>
<td>Belau National Museum project on Birds of Palau, (Asked for a local language presenter, how to include in current school curriculum) Palau Visitors Authority overview of their work (how can traditional leaders help increase knowledge of local historical sites)</td>
<td>Traditional knowledge &amp; expressions law (pending)</td>
</tr>
</tbody>
</table>
| Mechesil Belau       | Cultural Practices of Palau /Annual | Est 300 persons | Chiefs of government agencies  
  |                   |                                |                  | Traditional women groups  
  |                   |                                |                  | Country leaders  
  |                   |                                |                  | Cultural material exhibition  
  |                   |                                |                  | Performance Art  
  | Strengthening of Palau’s culture | Transforming cultures, cultural integrity  
  |                   |                                |                  | Preservations, responsibility  
  | Complete ban on turtle hunting for 5 years (turtle shell is women’s traditional money and the concern is the decrease in number and sizes from over harvesting) |
A complete mapping of Palau’s intangible cultural heritage and the development of a plan as a result of the mapping is necessary for appropriate actions in safeguarding the countries heritage.

Traditional Performance Art

Although performance arts are witnessed during ceremonies or National cultural events, the art is not regularly taught to the younger generation and remain vulnerable with time and social change. Younger Palauans have the ability to choreograph contemporary Palauan dance at any moment given compared to the traditional Palauan dance where without the elder members, such a dance is difficult to organize. The older dance and chants are not commonly known to the adult generation and is at risk of being lost completely. Belau National Museum and Bureau of Arts and Culture hold collection of many of the chants and dances on audio, video, and digital recordings necessary for strengthening and promotion of the heritage. Palauan performance art is not taught in any formalized institution, instead it is only taught when and during cultural events requiring presentation from the various States of Palau. At current there is very little choreograph of Palauan dance and chants. Even for those few who do choreograph chants and dance, the sophistication in lyrics is quite lacking in comparison to those from the earlier times.

1. Chants of various types
   *Esols, Delang, Rebetii, Kerrekord, Kesekes, Beritotou, Boid, Omengerdakl*
   Digital recordings and documentation by Barbara Smith and Yamaguchi exist in the Belau National Museum.

2. Dances of various types for both male and female:
   Video recordings of the various cultural events exist in the Bureau of Arts and Culture collection
Male

- *Ruk- Ruk* or male dance is the name of the art of entertainment in which there are four segments to the complete art (Society of Historians 2002).
  - *Ongurs*- Entry segment
  - *Kedul a Ruk/ Dereder er a Ruk*- Performance description segment
  - *Oruidel / Delal a Ruk*- Main performance, describing a historical event provoking a village performance art
  - *Etakl el tet*- Closing performance

- *Oeang* - Oeang is not for entertainment as it is a war preparation dance

Female

- *Ngloik*- A female performance dance with 4 components as well (Society of Historians 2002).
- *Ocharo*- Entry segment
- *Delala Ngloik or Ulerratel*- Main performance describing historical event or a symbol of village pride
- *Lild/ Bruchel*- Description and praise for the current celebration or event at which their participating
- *Ocharo*- Exit segment, where they dance their way out the stage
- *Osako*- A female greeting dance between Klechedaol or village allies ceremony or event, where visiting group upon arrival will dance their way into the village and the host will greet them with a receiving dance.
- *Beruadel*- Seated performance dance exchange between Klechedaol or village allies.
Ocharo- entry segment to women's dance; 
Source: Lorenza Ise

Delal a Ngloik or Ulleratel- main performance describing a historical event or village pride
Source: Blekuu Sebal
main performance
Source: Lorenza Ise

Lild/Bruchel - description and praise for the current celebration or event of participation
Source: Blekuu Sbal
3. **Traditional Performance Art Accessories/ ornaments**

Most of the listed ornament and accessories exist in the Belau National Museum in material, process documentation, digital photo, and at times video.

- Paddle
- Body Decorations and Art using turmeric
- Fiber or grass skirts designs for individual clans
- Beattlenut bag for male dancers for a particular part of the dance
- Various types of belt designs for women fiber or grass skirts

4. **Indigenous Architecture / Designs**

- **Bai** - Meeting house for the Chiefs, village center. There are at current only 5 traditional architectural designs of Chief Houses existing in Palau. The Bai served as the central public decision making house, where the villagers would gather for public events, and also served as a treasure house for the villages’ valued heritage of oral history and sacred stones or symbols.

- **Diangel** - Boat house, carving house, fishing gear house

- Men would gather at the Diangel to plan fishing trips, to carve while awaiting returning fishers, plan community work, work on canoes, and share ocean stories.

- **Blai** - Traditional dwelling, design and planning has been replaced by western designs and lack the planning that incorporates the harmonizing or Earth’s energy within the floor plan.

- **Mlai** - Canoes of all types used for traveling, for fishing, for cargo, for war, and for racing. The art of canoe building is almost gone with the advancement of motor boat use in Palau. Along with the art of canoe building, the art of sailing and navigating is barely in existence. At current the only canoes in existence are either models or remnants of cultural events.
5. Traditional Games

- **Kedam** - Kite flying is no longer a village event and kite enthusiasm purchase from stores. Kite making together with the flying competition was a complete heritage of its own that has been eliminated from today’s sporting event.

- **Omlutek** - Outrigger racing was last witnessed in the 60’s and has been replaced by motor boat speed racing.

There are multiple reasons for Palau’s intangible cultural heritage threat of disappearing or being endangered. Aside from the social changes influencing behaviors and practices of cultures, the knowledge is not being passed on in any formal manner. While the social events which required frequent use of the knowledge have diminished, the current school systems have not integrated cultural heritage knowledge and practices in institutions that may help to ensure its continuity. As such any plans or policies to ensure continuity of the heritage is lacking. Except for a few policies here and there regarding its documentation and protection very little is in place for its promotion and continuity in Palau’s society. In order for Palau to take on the preservation of its cultural heritage into the next generation it must prioritize its promotion and education by developing National policies that will provide means to institutionalizing its passage. This means that a complete mapping of its intangible cultural heritage must be conducted in order to identify its current situation and prioritize its actions based on the level of need. For instance, those which have become endangered, at risk of becoming endangered, and those maintained that need protection. This is an area that will require Palau to seek assistance from the international community for safeguarding cultural heritage and education for assistance in financial and technical resources needed for ensuring the complete situation analysis and in developing a plan to ensure safeguarding and promotion of its heritage. This will ensure the continuity of Palau’s culture, its integrity, and the identity of the people in the global community. The collection of the pictures below shows the cultural materials as a result of an intangible cultural heritage, or as materials used as part of a cultural expression within an intangible cultural heritage.
Palauan bead money container
Source: Belau National Museum

Wooden Bowl for Medicine
Source: Belau National Museum
Wooden drink container
Source: Belau National Museum

Wooden Platter with Shells
Source: Belau National Museum
The above pictorial samples of Palau’s carving exist mainly within the elder members of society or few individuals who are self-taught and rely on its sales for income. The art of carving within the younger generation is barely covering the full extent of Palau’s wood carving and largely concentrated in story board carvings which were introduced by Japanese artists, namely Hizikata Hishikatsu, which was adopted from the Bai or Chiefs House beam carving as historical documentation for the villages.

Below picture set shows architectural designs of certain public structures of which the knowledge is at an endangered level and will require aggressive approach to saving it from disappearing. At this point only one man's groups from Melekeok State, namely Ngaramecherocher remain to practice the knowledge in Palau.
Diangel or Boat House in Ollei, Ngarchelong
Source: Ebiil Society and Belau National Museum

Bai er a Ngesechel a Cherchar, Belau National Museum
Source: Ann Singeo
Inside the Bai or Chiefs House
Source: Ann Singeo

Outrigger Canoe from Sonsorol
Source: Ann Singeo
Below set of pictures show a traditional men's dance and the various component to the attire worn during performance. The traditional dance is referred to as "Ruk," in the section of the narrative on performance art. The art is rarely witnessed today partly due to limited knowledge holders or experts, lack of education medium, and lack of promotion. As such the integrity of the art is endangered as many of those performed are merely for tourist shows and without much regard to the arts complete representation, sophistication, and in maintaining its integrity.

Men's Dance
Source: Joyce Beouch
Bamboo Lime Container
Source: Belau National Museum

Beattlenut Bag
Source: Belau National Museum
The above picture of bamboo lime container and the beatlenut bag are used as accessories for the last segment the men’s dance. The last segment is hardly performed within the complete performance set these days, and the lime container used as accessory is also an extinct material only existing as part of Belau National Museum’s collection. “Etakl el tet,” as explained in the previous description is where the men would hold their beatlenut bag on one hand and the bamboo lime holder on the other as performance accessories.

The next set of pictures show the various weaving existing within Palauan culture. Although weaving as knowledge is maintained in our society, many of the designs for the various usages are at risk of being lost as much transformation is taken place adopting to outside influence and less utilization within the livelihood. Belau National Museum led a project on the documentation and training of weaving several years back but, had to discontinue after funds were exhausted. Past effort has been made to include into school settings, but without much success towards continuity.

Baskets made of coconut leaf fronds
Source: Ann Singeo
Baskets made from coconut leaf
Source: Ann Singeo

Pillow made from pandanus leaf
Source: Belau National Museum
Blanket woven with pandanus leaf
Source: Belau National Museum

Mat woven with coconut leaf
Source: Ann Singeo
The next collection of pictures shows various components to the maternal and child healing and celebration cultural practice referred to as “Ngasech.” This is one practice that still holds strong, but can be compromised with the threat of changing natural habitats as development takes precedence. As mentioned earlier it is a lineage property and passes on to the next generation through women only, as a women’s wellness knowledge. The pictures reflect the various ways the knowledge is expressed by different lineages.
New mother preparing for the celebration ceremony
Source: Ann Singeo

New Mother walks out to the center for the celebration to begin
Source: Ann Singeo
Medicinal Preparation

Training a young apprentice, Tasia Llecholech (Knowledge holder, 84 yrs)
Source: Ann Singeo

Various medicinal plants
Source: Ann Singeo
Boiling herbal medicine for treatment of a mother
Source: Ann Singeo

Ground turmeric
Source: Ann Singeo
Pending Issues & Urgent Needs

Boiling turmeric with coconut oil
Source: Ann Singeo

Medicinal Leaf and coconut shell scooper
Source: Ann Singeo
Hot bath process
Source: Ann Singeo

Hot bath with herbal medicine process
Source: Ann Singeo
The practice of mother and child-healing and celebration is perhaps one of the intangible cultural heritages that has continued and survived through several colonialism and today’s western influence. While others may argue that the practice has changed drastically, this is mostly witnessed at the superficial level particularly during the celebration. What was once a private and sacred moment for the mother and child has transformed into a huge celebration for the community and to the traditional women this is taboo. On the other, inter sacredness remains within the treatment and healing process as a secret heritage.
safeguarded by the lineage. Palauan women who live abroad in other countries of the world, remain to honor the practice as a women prestige and continue to return home for the treatment after child birth elsewhere. While the medicine and the celebration captures most of what may seem to represent the practice and knowledge, it is the bonding and caretaking between the women members of the family that provides for the support a new mother needs as part of her psychological and spiritual healing. While mothers go through the healing process others provide care of her baby and relieve her from any work for the duration of the treatment which can last up to 2 weeks or longer, depending on the family. Female members of her family will remain with her for as long as she needs the support. These are the unspoken and unrecognized value to the practice that continue to create special bond between women in families and protect women from postnatal traumas experienced after giving birth in places where women give birth alone.

Sports and Games

Palauan sport and games is another area where we have completely lost the practices and most of the knowledge is left to a few. Without the necessary effort to preserve the knowledge through promotion, and with the influence of the Olympics and international sports federations dictating the types of sports to train young people in, Palau will surely lose the knowledge. From interviews with local experts and knowledge holders, two of the major traditional sports which are no longer witnessed in Palau are kite flying and outrigger sailing competitions.

These competitions were big events in communities that could last for long period, especially kite flying that are known to last for at least a month at a time. Women and men would harvest and prepare food for the event. Taro would be buried in the grounds for preservation of freshness, while fish is smoked so the entire community can participate without having to go back to harvesting and fishing. Below are pictures of the cultural materials used for the mentioned sporting games.

Outrigger competition would be held between villages and could also last for many days. Feasts are also prepared and dances performed during the evenings as part of the event. On a smaller scale, outrigger racing was a young men’s sport that could be playfully conducted at any time while men sit at the “Diangel,” or
boat house as spectators to spontaneous races. The competition also provided showcasing of the carvers with the engineering accuracy for speed and beauty.

Square kite made of leaf and bamboo
Source: Belau National Museum

Diamond shape kite made of leaf and bamboo
Source: Belau National Museum
String made from coconut fiber
Source: Belau National Museum
VII. Conclusion

Palau will seek support from the international community to conduct a complete mapping or situation analysis on its intangible cultural heritage in order to develop a national policy and plan of implementation. Such a plan will enhance the current efforts towards intangible cultural heritage in terms of its promotion and preservation, and perhaps even elevating it to become a more of an institutionalized effort to instill the knowledge as part of our young people’s education.

The mapping and planning activities will be headed by Ministry of Community and Cultural Affairs with membership from relevant agencies responsible for implementation of the policy and plans. This will ensure early adoption of the policy and promote successful implementation.
## List of co-researchers

<table>
<thead>
<tr>
<th>Name</th>
<th>Responsibility</th>
<th>Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Dwight Alexander</td>
<td>Principal Oversight</td>
<td>National Commission of the Republic of Palau for UNESCO</td>
</tr>
<tr>
<td></td>
<td>Director</td>
<td></td>
</tr>
<tr>
<td>Ms Ann K. Singeo</td>
<td>Researcher</td>
<td>Ebiil Society Inc.</td>
</tr>
</tbody>
</table>
Annex | **Relevant Laws**
Proposed Bill on the Protection of Traditional Knowledge and Expressions of Culture

SEVENTH OLBIIL ERA KELULAU

First Regular Session, January 2005                              Senate Bill No.______

A BILL FOR AN ACT

To establish a *sui generis* system for the protection and promotion of Traditional Knowledge and Expressions of Culture for the people of the Republic of Palau.

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   Section 37. Effective date
THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Chapter 1 – PRELIMINARY

Section 1. Short title. This Act may be cited as the “Protection and Promotion of Traditional Knowledge and Expressions of Culture Act of 2005”.

Section 2. Findings and purpose. Palauan culture is adversely affected by the noncustomary use of Palauan traditional knowledge and expressions of culture such as the commercial exploitation of wood carvings, woven works, dances, architectural forms, and other art and symbols that are uniquely Palauan. Non-customary commercial exploitation of Palauan traditional knowledge or expressions of culture, especially commercial exploitation by non-Palauans, has in several instances produced and is continuing to produce inaccurate and inappropriate representations of Palauan culture to tourists and the world community generally, representations that also have the potential of changing Palauan culture itself in a manner inconsistent with traditional ways. Additionally, when these cultural resources are exploited commercially, there is typically little if any compensation to traditional leaders, and most often the community receives only minimal financial benefit through the sale and taxation of any revenues generated when such goods or performances are sold or conducted locally.

The purpose of this Act is to establish a new form of intellectual property identified as “traditional knowledge and expressions of culture,” to vest ownership of this new property in the appropriate traditional groups, clans, and communities, and to provide a means to allow the owners to transfer certain ownership rights for non-customary use in a manner that will assist in the preservation of Palau’s cultural heritage, allow for appropriate promotion of Palauan culture, and provide compensation to Palauan owners for the use of these cultural resources.

Section 3. Application.
(a) This Act applies to traditional knowledge and expressions of culture that:
   (1) were in existence before the effective date of this Act; or
(2) are created on or after the effective date of this Act.
(b) This Act shall not affect or apply to customary use.
(c) Except as set forth in Chapter 4, Subchapter 4, this Act shall not affect or apply to rights that exist immediately before the effective date of this Act including intellectual property rights.

Section 4. Definitions. In this Act, unless specifically stated otherwise:
(a) “authorized user agreement” means an agreement entered into under Chapter 4, Subchapter 3 of this Act;
(b) “customary use” means the use of traditional knowledge or expressions of culture in accordance with traditional law;
(c) “derivative work” means any intellectual creation or innovation based upon or derived from traditional knowledge or expressions of culture;
(d) “derogatory treatment” means any act or omission that results in a material distortion, mutilation, or alteration of the traditional knowledge or expression of culture that is prejudicial to the honor or reputation of the traditional owner, or the integrity of the traditional knowledge or expression of culture;
(e) “expression of culture” means any way in which traditional knowledge appears or is manifested, irrespective of content, quality or purpose, whether tangible or intangible, and, without limiting the precedent words, includes:
   (1) names, stories, chants, riddles, histories, and songs in oral narratives;
   (2) works of art, crafts, musical instruments, sculptures, paintings, carvings, items of pottery and terra cotta mosaic, woodwork, metalwork, jewelry, woven works, needlework, shell work, rugs, costumes, and textiles;
   (3) music, dance, theater, literature, ceremony, ritual performance, and cultural practices;
   (4) the delineated forms, parts and details of designs, and visual compositions; and
   (5) architectural forms;
(f) “Minister” means the Minister of Community and Cultural Affairs;
(g) “Ministry” means the Ministry of Community and Cultural Affairs;
(h) “moral rights” are the rights described in Section 13;
(i) “official owner” means the group, clan, or community finally determined in accordance with this Act to be the owner of a particular item of traditional knowledge or expression of culture;
(j) "owner" means, depending on the context:
   (1) the Republic of Palau;
   (2) the Palauan group, clan, or community determined by Palauan tradition and provisions of this Act to be the unique source or sole custodian of a particular item or traditional knowledge or expression of culture; or
   (3) the individual official recognized as the representative of the Palauan group, clan or community for purposes of taking actions under this Act;

(k) "ownership" means the manner of collective property control recognized in traditional law and does not create or imply non-traditional proprietary interests for individual members of the owner;

(l) "ownership rights" means the particular rights set forth in Section 7(a) that may be exercised by or on behalf of the owner for non-customary use;

(m) "traditional knowledge" means any knowledge that has been or is created, acquired, or inspired for traditional purposes including economic, spiritual, ritual, narrative, decorative, or recreational purposes;

Section 5. Exceptions.
(a) The customary use of traditional knowledge or expressions of culture shall not constitute a violation of this Act.

(b) The non-customary use of traditional knowledge and expressions of culture shall not constitute a violation of this Act when the use is made in:
   (1) face-to-face teaching;
   (2) criticism or review;
   (3) reporting news or current events;
   (4) judicial proceedings; or
   (5) a manner deemed incidental.

(c) Traditional knowledge or expressions of culture submitted to non-customary use pursuant to an authorized user agreement or preexisting rights registered in accordance with Section 23 or Section 25 of this Act shall not constitute a violation of this Act.
Chapter 2 - OWNERSHIP RIGHTS

Section 6. Holder of ownership rights. The owner is the holder of all ownership rights in the particular traditional knowledge or expression of culture owned as specified and limited by this Act.

Section 7. Specific ownership rights.
(a) The owner holds the following exclusive rights for non-customary use of the particular traditional knowledge or expression of culture owned, specifically the right to:
(1) produce or reproduce in any material form;
(2) publish;
(3) perform or to display in public;
(4) broadcast by any means of communication including radio, television, satellite, or cable;
(5) translate, adapt, arrange, transform, or modify;
(6) fixate through any process including photography or sound recording whether by film, tape, or digital recording;
(7) transmit, electronically or digitally, including the right to transmit by email or to allow access by website;
(8) create derivative work; and
(9) make, use, offer for sale, sell, import, or export in any material form whether the form is an original, a reproduction or a derivative work.
(b) The rights described in Section 7(a) are the only rights in traditional knowledge or expressions of culture that may be transferred to another for non-customary use.
(c) The rights described in Section 7(a) may be transferred only in accordance with the law and procedures set forth in Chapter 4, Subchapter 3.

Section 8. Material form not required. Ownership shall exist in all traditional knowledge and expressions of culture whether or not said property is in material form.

Section 9. Duration. Ownership, ownership rights, and moral rights shall exist in perpetuity.
Section 10. Property inalienable. The ownership of traditional knowledge and expressions of culture is inalienable; use rights in traditional knowledge and expressions of culture may be transferred only in accordance with Chapter 4, Subchapter 3 of this Act.

Section 11. Additional rights. Ownership rights in traditional knowledge and expressions of culture are in addition to, and do not affect, any rights that may exist under any law relating to copyright, trademarks, patents, designs or other intellectual property law, except traditional knowledge and expressions of culture considered prior to the effective date of this Act to be in the public domain under intellectual property laws, and the requirements specified in Chapter 4, Subchapter 4 of this Act.

Section 12. Derivative works. Any copyrights, trademark, patent, design, or other intellectual property right in a derivative work produced in accordance with this Act vests in the creator of the work or as otherwise provided by relevant intellectual property law.

Chapter 3 - MORAL RIGHTS

Section 13. Moral rights defined.
(a) The owner is the holder of all moral rights in its particular traditional knowledge or expression of culture as identified and limited by this Act.
(b) The moral rights of the owner are:
   (1) the right of attribution of ownership;
   (2) the right not to have ownership falsely attributed; and
   (3) the right not to have its traditional knowledge or expressions of culture subject to derogatory treatment.
(c) The moral rights of the owner exist independently of the owner’s ownership rights.
(d) Moral rights shall exist in perpetuity and may not be waived or transferred.
Chapter 4 - OBTAINING OWNER’S PRIOR INFORMED CONSENT

Subchapter 1 - General Mandate

Section 14. Consent required. Except for uses allowed pursuant to Section 5 of this Act, prior and informed consent of the owner shall be obtained for all non-customary uses of traditional knowledge and expressions of culture.

Subchapter 2 - Application and Negotiation Process

Section 15. Application.

(a) A prospective user of traditional knowledge or expressions of culture for a non-customary use shall apply to the Ministry to obtain the prior and informed consent of the owners for such use.

(b) The application shall:

(1) be in form prescribed by the Minister;

(2) specify in sufficient detail the way in which the prospective user proposes to use the traditional knowledge or expressions of culture;

(3) state clearly the purpose for which the proposed use is intended; and

(4) be accompanied by a fee to be established by the Minister.

(c) The Ministry shall complete the initial application process within 90 days of submission.

Section 16. Initial ownership; Ministry duties; creation of trust.

(a) Commencing on the effective date of this Act, the Ministry of Community and Cultural Affairs shall be the owner of all Palauan traditional knowledge and expressions of culture unless and until official ownership is awarded to a traditional group, clan, or community in accordance with this section.

(b) The Ministry shall take the steps necessary to identify Palauan traditional knowledge and expressions of culture and those groups, clans or communities who may qualify as owners. Until such time that a determination of official ownership is made:

(1) the Ministry may enter into authorized user agreements in accordance with the provisions of the Act; and
(2) all royalties and other compensation or benefits from the authorized user agreement shall be the property of the Republic of Palau.

(c) Upon the award of official ownership of a particular item of traditional knowledge or expression of culture, a trust is automatically created for the benefit of the official owner in which the Ministry becomes trustee, and:

(1) all subsequent royalties, other compensation and benefits from an authorized user agreement shall be provided to the official owner; and

(2) the official owner shall have the unilateral right to dissolve the trust and assume all rights and responsibilities of the owner under the authorized user agreement.

(d) The rights and responsibilities of the user as specified in an authorized user agreement shall not be affected by this section.

(e) Whenever an application for non-customary use is submitted, the Ministry shall:

(1) give a copy of the application to the official owner and facilitate the acceptance or rejection of the application by the official owner and other procedures specified in Subchapter 4 of this Chapter.

(2) in the event no official owner has been finally determined,

   (A) provide a copy of the application to those persons, groups, clans or community members who the Ministry has reason to believe could assert a legitimate claim of ownership to the traditional knowledge or expression of culture identified in the application;

   (B) publish a copy of the application in a newspaper of national circulation to appear in four consecutive publications stating how interested persons may obtain a copy of the application;

   (C) broadcast once a day for at least 14 days on television and radio a general description of the application with information on how interested persons may obtain a copy of the application; and

   (D) include notice of the deadline stated in subsection (f), below, for advising the Ministry of a claim.

(f) Any persons, group, clan, or community who claims to be an owner of the traditional knowledge or expression of culture to which the application relates, shall advise the Ministry within 30
Section 17. Determination of undisputed ownership. In the event that no prior determination of ownership has been made, and when there is no dispute as to the ownership of the traditional knowledge or expression of culture claimed, the Ministry shall issue a determination stating such and identify the owner, and shall deliver a copy of the determination to all claimants. Any claimants adversely affected by the determination may within 30 days of receipt of the determination file suit against the group, clan or community determined to be the owner by the Ministry. The Trial Division of the Supreme Court shall hear the case de novo. The party filing suit shall provide notice of the suit to the Ministry. Determinations not challenged by the filing of a lawsuit in accordance with this section shall be final, and the determined owner shall be thereafter recognized as the official owner. The Ministry shall register official ownership of items of traditional knowledge and expressions of culture in accordance with any final order, judgment, or decree of the Supreme Court.

Section 18. Ownership disputed. In the event that ownership of a particular item of traditional knowledge or expression of culture is disputed, the Ministry shall advise all claimants that a determination shall not be made and inform the claimants of the provisions of Section 19.

Section 19. Authority to accept application and proceed with negotiations. In the event that a determination of ownership cannot be made by the Ministry or such determination is challenged pursuant to Section 17 of this Act, the Ministry shall, after the expiration of the 30-day deadline in Section 17 and after providing notice to all claimants of the inability to determine ownership, have the authority as owner to accept or reject the application, and if accepted, negotiate for the transfer of appropriate use rights to the prospective user. The Ministry shall not accept an application if all claimants agree that the application should be rejected. If the application is accepted, the Ministry shall have a general fiduciary duty to obtain a reasonable user agreement and shall advise all claimants of the terms of the proposed user agreement. The Ministry shall review and consider, but not be bound by, all
comments submitted by claimants on the terms of the proposed user agreement.

Subchapter 3 - Authorized user agreements

Section 20. Application acceptance or rejection; negotiations.
(a) The owner, official owner, or trustee shall within 90 days of an application's submission decide whether to:
   (1) reject the application; or
   (2) accept the application and enter into negotiations for a written authorized user agreement.
(b) An official owner acting in its own capacity after lawful dissolution of the trust shall inform the Ministry of the decision to accept or reject the application.
(c) The Ministry shall inform the applicant in writing of the decision of the owner or trustee.

Section 21. Proposed agreement to be reviewed by the Ministry. In the event that negotiations have been undertaken with an official owner acting in its own capacity after lawful dissolution of the trust:
(a) before entering into a user agreement, the official owner shall submit the proposed agreement to the Ministry for its comments on the terms and conditions of the proposed agreement.
(b) The Ministry shall have the authority to require the applicant and the official owner to meet with it to discuss the proposed agreement if, after reviewing the proposed agreement, the Ministry is satisfied that:
   (1) the official owner does not have sufficient information to make a full and informed decision about the proposed terms and conditions of the agreement; or
   (2) the proposed terms and conditions of the agreement do not adequately protect the traditional knowledge or expression of culture.
(c) Except as required in Section 22, the owner and applicant may accept, reject, or modify any comments made by the Ministry in relation to the proposed agreement.

Section 22. Required terms and conditions of an authorized user agreement. An authorized user agreement shall address whether each right set forth in Section 7(a) is to be transferred and if so,
under what conditions, if any. A form agreement shall be drafted by the Attorney General which shall address each item in Section 7(a) and any additional terms or conditions the Attorney General finds necessary and appropriate. The agreement shall also include terms and conditions allowing the parties to specify:

(a) the sharing of financial and other benefits arising from the use of the traditional knowledge or expression of culture;
(b) the compensation, fees, royalties of other payments to the owner or its designee for the use;
(c) whether the use is exclusive as to potential other non-customary uses. A sentence shall be included informing the applicant that customary use cannot be restricted by agreement;
(d) the duration of the use and any rights of renewal;
(e) the disclosure requirements for each separate use;
(f) whether ownership rights transferred are to be shared with the owner;
(g) reasonable access of the owner to the applicant’s business records and inventory involving the traditional knowledge or expression of culture identified in the agreement;
(h) education or training requirements for the applicant;
(i) any controls or limitations on the ownership rights transferred;
(j) whether assignment of the rights to a third party is prohibited or permitted only with the consent of the owner;
(k) whether original or derivative works from the rights transferred may be imported or exported;
(l) choice of law and venue for the resolution of any disputes under the agreement; and
(m) respect for moral rights of the owner including the method of attribution and any specifics of the use which the owner identifies as acceptable or unacceptable.

Section 23. Authorized user agreement register.

(a) Users shall file a copy of all authorized user agreements with the Ministry.
(b) An authorized user agreement shall not be enforceable and may not constitute a defense unless it is registered with the Ministry.
(c) The Ministry is to keep a register of all authorized user agreements. The register is to be in such form and contain such information the Minister finds appropriate. The register filing
system shall be established in a manner that accommodates appropriate public access and notice of each owner and the items identified as traditional knowledge or expressions of culture.

Section 24. No authorized user agreement reached.

(a) If an official owner acting in its own capacity after lawful dissolution of the trust cannot agree with the applicant as to the terms and conditions of use, the official owner shall notify the Ministry.

(b) Whenever the parties are unable to agree as to the terms and conditions of an authorized user agreement, the Ministry shall advise the applicant in writing that the proposed agreement has been rejected.

(c) The Ministry shall record in writing the specific reasons for the rejection.

Subchapter 4 - Registration of prior licenses and contract; eminent domain

Section 25. Registration of preexisting rights. All non-customary uses of traditional knowledge and expressions of culture established prior to the effective date of this Act and which uses are intended to be continued after the effective date of this Act shall be registered with the Ministry. Any preexisting, non-customary use which is not filed with the Ministry within 180 days of the effective date of this Act shall be deemed abandoned and no longer enforceable by contract, intellectual property, or other law.

Section 26. Public notice of use under registered preexisting rights.

Commencing one year after the effective date of this Act, all products, performances, and display making noncustomary uses of traditional knowledge or expressions of culture pursuant to registered pre-existing rights shall include the following notices.

(a) Goods shall include a label or tag approved by the Ministry stating: “This product includes elements of Palauan traditional knowledge or expressions of culture which have been used without the express guidance or approval of the traditional owner.”

(b) Performances and public displays shall include an announcement or written program note stating: “This performance or display includes elements of Palauan
Section 27. Eminent domain. The Ministry as owner or trustee and on behalf of any official owner, shall have the authority to exercise the power of eminent domain to recover properly registered preexisting rights to non-customary use of traditional knowledge or expression of culture. The power of eminent domain shall only be exercised for a public purpose, provide the holder of preexisting rights appropriate compensation, and be implemented with procedures consistent with the eminent domain statute for the acquisition of land (Chapter 3 of Title 35 of the Palau National Code), including negotiations with the right holder prior to exercising eminent domain.

Chapter 5 – ENFORCEMENT

Subchapter 1 – Customs

Section 28. Import and export declarations; seizure of unauthorized goods. The Bureau of Revenue, Customs and Taxation shall promulgate regulations pursuant to the Administrative Procedures Act, 6 PNC Chapter 1, which shall require the submission of a declaration form for every import and export of goods involving Palauan traditional knowledge or an expression of culture. Each person importing or exporting goods which include elements of Palauan traditional knowledge or expressions of culture shall so declare and state whether the goods were produced and sold under an authorized user agreement or preexisting rights registered in accordance with section 23 or Section 25 of this Act. Any goods imported or exported or attempted to be imported or exported in violation of this Act shall be seized and disposed of in accordance with normal procedures for handling contraband.

Subchapter 2 - Criminal enforcement

Section 29. Criminal infringement. Every person who makes a non-customary use of traditional knowledge or an expression of culture in violation of this Act shall be guilty of criminal infringement and upon
conviction thereof shall be fined not more than $10,000.00 or imprisoned not more than one year, or both.

Section 30. Criminal derogation. Every person who knowingly and intentionally engages in the act of derogatory treatment of traditional knowledge or expressions of culture in violation of this Act shall be guilty of criminal derogation and upon conviction thereof shall be fined not more than $5,000.00 or imprisoned not more than one year, or both.

Section 31. Criminal commerce in traditional knowledge or expressions of culture. Every person who knowingly and intentionally buys, sells, distributes, imports or exports or attempts to buy, sell, distribute or import or export traditional knowledge or expressions of culture when such commercial activity is a non-customary use in violation of this Act shall be guilty of criminal commerce in traditional knowledge or expressions of culture and upon conviction thereof shall be fined three times the gross revenue received or up to $10,000.00, which ever is greater, or imprisoned not more than one year, or both.

Section 32. Restitution. In accordance with Article IV, Section 8 of the Constitution and 17 PNC § 3105, the owner, official owner, or trust beneficiary of traditional knowledge or expressions of culture who have been financially harmed by any criminal violation specified in this Act shall be entitled restitution in the amount of the financial harm proved in addition to any other penalties imposed.

Subchapter 3 - Civil enforcement

Section 33. Civil action authorized. The Attorney General on behalf of the Ministry (as owner or as trustee on behalf of a trust beneficiary) or any official owner who has dissolved the trust in accordance with this Act may file a civil action for infringement in the Trial Division of the Supreme Court against any person engaged in the unauthorized, non-customary use of traditional knowledge or expressions of culture in violation of this Act.

Section 34. Civil remedies. Upon proof that the traditional knowledge or expressions of culture belonging to the plaintiff was subject to
unauthorized, on-customary use by the defendant, the Trial Division may grant any or all of the following remedies:
(a) injunctive relief;
(b) an award of damages proved for losses resulting from the unauthorized use;
(c) an award of punitive damages;
(d) a declaration that the plaintiff’s rights were contravened;
(e) an order that the defendant issue a public apology for the contravention;
(f) an order requiring the defendant to undertake the steps necessary to correct any false attribution or derogatory treatment of the traditional knowledge or expression of culture owned;
(g) an order requiring the defendant to account for profits;
(h) an order to seize unauthorized goods produced or imported or exported or attempted to be imported or exported in violation of this Act; and
(i) such other relief the Court deems equitable or just.

Chapter 6 - MISCELLANEOUS

Section 35. Regulations. The Minister may promulgate regulations in accordance with the Administrative Procedures Act codified in Title 6 of the Palau National Code prescribing all matters required or permitted by this Act or necessary or convenient or for carrying out or giving effect to the Act.

Section 36. Unilateral declaration. The ownership rights in traditional knowledge or expressions of culture recognized by law in other Pacific island jurisdictions may be enforced in the courts of the Republic of Palau.

Section 37. Effective date. This Act shall take effect upon its approval by the President, or upon its becoming law without such approval.

Date: _________________________ Introduced by: _________________________________
Yukiwo P. Dengokl, Senator
Republic of Palau Copyright Act of 2003

SIXTH OLBIIL ERA KELULAU

RPPL NO. 6-38

First Regular Session, January 2001 (Intro. as HB No. 6-2-1S, HD1, SD3, CD1)

AN ACT

To provide for copyright protection of original works and for protection of performers' rights; and for related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Purpose; short title. The purpose of this Act is to protect the owners and creators of original works, including literary works, musical works, dramatic works, choreographic works, graphic works, architectural works, audiovisual works, computer programs, and sound recordings. This Act has the further purpose of protecting the rights of performers in their performances. This Act shall be known as the "Republic of Palau Copyright Act of 2003."

Section 2. Definitions. As used in this Act:

(a) "Anonymous work" means a work for which no natural person is identified as the author.
(b) "Audiovisual work" means a work that consists of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the work is embodied.
(c) "Author" means the natural person who created the work.
(d) "Collective work" means a work, such as a periodical, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.
(e) "Compilation" means a work formed by the collection and assembling of pre-existing materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship. "Compilation" includes collective works.

(f) "Copies" means material objects, including but not limited to phonorecords, in which a work is fixed by any method and from which a work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a device. The term "copies" includes the material object in which the work is first fixed.

(g) "Copyright owner" with respect to any one of the exclusive rights comprised in a copyright, means the owner of that particular right.

(h) "Created" means fixed in a copy or phonorecord for the first time. Where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time, and where the work has been prepared in different versions, each version constitutes a separate work.

(i) "Derivative work" means a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgement, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a derivative work.

(j) "Display" means to show a copy of a work, either directly or by means of a film, slide, television image, or any other device.

(k) "Fixed": A work is "fixed" in a tangible medium of expression when its embodiment in a copy or phonorecord is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration.

(l) "Joint work" means a work that is prepared by two or more authors whose contributions are merged into inseparable or interdependent parts of a unitary whole.

(m) "Literary work" means a work, other than an audiovisual work, that is expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material object,
such as a book, periodical, manuscript, phonorecord, film, tape, or
card, in which it is embodied.

(n) "Minister" means the Minister of Community and Cultural Affairs
of the Republic of Palau.

(o) To "perform" or "display" a work "publicly" means to recite, render,
play, dance, or act, either directly or through the means of any
device or, in the case of a motion picture or other audiovisual
work, to show its images in any sequence or to make the sounds
accompanying it audible, at a place open to the public or at any
place where a substantial number of persons outside of a normal
circle of a family and its social acquaintances is gathered; or to
transmit or otherwise communicate a performance or display of
the work to a place specified in the foregoing or to the public, by
means of any device or process, whether the members of the
public capable of receiving the performance or display receive it
in the same place or in separate places and at the same time or at
different times.

(p) "Phonorecord" means a material object in which the sounds,
other than those accompanying an audiovisual work, are fixed by
any method, and from which the sounds can be perceived,
reproduced, or otherwise communicated, either directly or with
the aid of a machine or device. A Phonorecord includes the
material object in which the sounds are first fixed.

(q) "Pictorial, graphic, and sculptural works" mean two-dimensional
and three dimensional works of fine, graphic, and applied art,
photographs, prints and art reproductions, maps, globes, charts,
technical drawings, diagrams, and models.

(r) "Pseudonymous work" means a work for which the author is
identified under a fictitious name.

(s) "Publication" means the distribution of copies or phonorecords of
a work to the public by sale or other transfer of ownership or by
rental or lease. The distribution of copies or phonorecords to a
person or group of persons for public performance or public
display constitutes publication.

(t) "Residence" means the legal residence of a natural person and the
domicile or jurisdiction of incorporation of a legal entity.

(u) "Sound recording" means a work that results from the fixation of a
series of musical, spoken, or other sounds, but not including the
sounds accompanying a motion picture or other audiovisual work,
regardless of the nature of the material object, such as a disk, tape, or other phonorecord, in which the sounds are embodied.

(v) "Transfer of copyright ownership" means an assignment, mortgage, exclusive license, or any other conveyance, alienation, or hypothecation of a copyright or of any of the exclusive rights comprised in copyright, whether or not it is limited in time or place or effect, but not including a nonexclusive license.

(w) "Work" means any form of creative expression.

(x) "Work made for hire" means (1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for a particular use if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

PART II- COPYRIGHT

Section 3. Subject matter of copyright; generally.

(a) Copyright protection arises, in accordance with this Act, in original works of authorship fixed in any tangible medium of expression from which those works can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a device including:

(1) literary works;
(2) musical works, including any accompanying words;
(3) dramatic works, including any accompanying music;
(4) pantomimes and choreographic works;
(5) pictorial, graphic, and sculptural works;
(6) architectural works;
(7) motion pictures and other audiovisual works;
(8) computer programs;
(9) sound recordings;
(10) speeches, lectures, addresses, and other oral works;
(11) illustrations, maps, plans, sketches, and three-dimensional works relative to geography, topography, architecture, or science; and
(12) works of applied art.

(b) In no case does copyright protection for an original work of authorship extend to the following:
(1) any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work;

(2) official public legislative, administrative or legal texts, or any official translations thereof, and

(3) speeches, lectures, addresses, and other oral works given by a government official in his or her official capacity.

Section 4. Same; compilations and derivative works.

(a) The subject matter of copyright as specified by Section 3 includes compilations and derivative works, but protection for a work employing preexisting material in which copyright exists does not extend to any part of the work in which such material has been used unlawfully.

(b) The copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the preexisting material employed in the work, and does not imply any exclusive right in the preexisting material. The copyright in such work is independent of, and does not affect or enlarge the scope, duration, ownership, or existence of any copyright protection in the preexisting material.

Section 5. Same, national origin.

(a) Unpublished works. The works specified by Sections 3 and 4, while unpublished, are subject to protection under this Act without regard to the nationality or citizenship of the author.

(b) Published works. The works specified by Sections 3 and 4, when published, are subject to protection under this chapter if:

(1) on the date of first publication, one or more of the authors is a national or resident of the Republic;

(2) the work is initially published in the Republic of Palau;

(3) the work is initially published in another country and also published in the Republic of Palau within 30 days thereafter, irrespective of the nationality or residence of the author;

(4) the work is an audiovisual work, the producer of which is a resident of Palau; or

(5) the work is an architectural work erected in the Republic of Palau or is an artistic work incorporated into a building or other structure located in Palau.
(c) Any copyright owner who is the bona fide owner of a copyright, or the owner of a transferred copyright as described under section (2)(w) of this Act, which is not subject to the protections and limitations of section 5(b) herein, shall be subject to the same protections provided the owner thereof, provided he or she registers the work or works with the Office of the Attorney General and pays the requisite fee. The Attorney General shall charge a fee of $200.00 per work registered, or $2,000.00 for 10 or more works registered to the same owner. For persons or businesses registering 10 or more works, additional works may be added at no charge during the same calendar year. For registration of new copyright in future calendar years, the same fees shall apply. The Attorney General shall promulgate rules and regulations pursuant to the Administrative Procedure Act, 6 PNC Chapter 1, for the administration of this section.

(d) Protection under this chapter shall also apply to works that are eligible for protection in the Republic of Palau by virtue of and in accordance with any international convention or other international agreement to which the Republic of Palau is a party.

Section 6. Exclusive rights in copyrighted works.

(a) **Economic rights.** Subject to the provisions of this Act, the owner of a copyright under this Act has the exclusive right to do, and to authorize another or others to do, any of the following:

1. reproduce the copyrighted work;
2. prepare derivative works based upon the copyrighted work;
3. distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental or lease;
4. perform the copyrighted work publicly;
5. display the copyrighted work publicly;
6. have the copyrighted work translated;
7. adapt, arrange, or otherwise transform the copyrighted work; and
8. broadcast the copyrighted work and otherwise communicate the copyrighted work to the public.

(b) **Moral rights.** Independent of economic rights, and even where the author is no longer the owner of the economic rights to a copyrighted work, the author of the work shall have the right:
(1) to have his or her name indicated prominently on the copies and in connection with any public use of the work, as far as practicable;
(2) to not have his or her name indicated on the copies and in connection with any public use of the work, and the right to use a pseudonym; and
(3) to object to any distortion, mutilation, or other modification of, or other derogatory action in relation to, the work which would be prejudicial to his or her honor or reputation.

None of the foregoing moral rights shall be transferrable during the life of the author, but shall be transferrable by testamentary disposition or by operation of law following the death of the author. The author may waive any of the moral rights enumerated in this section.

Section 7. Private reproduction for personal purposes.
(a) Notwithstanding the provisions of section 6, the private reproduction of a single copy of a published work shall be permitted without the authorization of the author or copyright owner, where the reproduction is made by a natural person for his or her own personal purposes.
(b) The permission provided in subsection (a) shall not extend to reproduction:
   (1) of a work of architecture in the form of a building or other construction;
   (2) in the form of reprography of the whole or a substantial part of a book or of a musical work in the form of notation;
   (3) of the whole or a substantial part of a database in digital form;
   (4) of a computer program, except as otherwise provided in this Act; and
   (5) of any work in cases where reproduction would conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author or owner of the copyright.

Section 8. Quotation. Notwithstanding the provisions of section 6, the reproduction, in the form of quotation, of a short part of a published work shall be permitted without authorization of the author or copyright owner; provided, that the reproduction is compatible with fair practice and does not exceed the extent justified by the purpose. The quotation shall be accompanied by an indication of the source.
Section 9. Reproduction for teaching. Notwithstanding the provisions of section 6, the following acts shall be permitted without authorization of the author or copyright owner:

(a) the reproduction of a short part of a published work for teaching purposes by way of illustration, in writings or sound or visual recordings, provided that such reproduction is compatible with fair practice and does not exceed the extent justified by the purpose;

(b) the reprographic reproduction, for face-to-face teaching in educational institutions, the activities of which do not serve direct or indirect commercial gain, of published articles, other short works or short extracts of works, to the extent justified by the purpose, provided that:

(1) the act of reproduction is an isolated act occurring, if repeated, on separate and unrelated occasions, and

(2) there is no collective license offered by a collective copyright management organization of which the education institution is or should be aware, under which such reproduction can be authorized.

(c) The source of the work reproduced and the name of the author shall be indicated as far as practicable on all copies made under this section.

Section 10. Reprographic reproduction by libraries and archives. Notwithstanding the provisions of section 6, any library or archive whose activities are not for commercial gain may, without the authorization of the author or copyright owner, make a single copy of a work by reprographic reproduction under the following circumstances:

(a) where the work reproduced is a published article, other short work, or a short extract of a work, and where the purpose of the reproduction is to satisfy the request of a natural person, provided that:

(1) the director of the library or archive, or his or her authorized agent, is satisfied that the copy will be used solely for the purposes of study, scholarship, or private research;
(2) the act of reproduction is an isolated act occurring, if repeated, on separate and unrelated occasions; and

(3) there is no collective license offered by a collective administrative organization of which the management of the library or archive is or should be aware, under which such reproduction can be authorized; or

(b) where the copy is made in order to preserve and, if necessary, to replace a copy that has been lost, destroyed, or rendered unusable in the permanent collection of another similar library or archive, provided that it is impossible to obtain such a copy under reasonable conditions, and provided further that the act of reprographic reproduction is an isolated case occurring, if repeated, on separate and unrelated occasions.

Section 11. Reproduction broadcasting, and other communication to the public for information purposes. Notwithstanding the provisions of section 6, the following acts shall be permitted in respect to a work without the authorization of the author or copyright owner, subject to the obligation to indicate the source and the name of the author so far as practicable:

(a) the reproduction in a newspaper or periodical, or the broadcasting or other communication to the public, of an article published in a newspaper or periodical on current economic, political, or religious topics or of a broadcast work of the same character; this permission shall not apply where the right to authorize reproduction, broadcasting, or other communication to the public is expressly reserved on the copies by the author or copyright owner, or in connection with broadcasting or other communication to the public of the work;

(b) for the purpose of reporting current events, the reproduction and the broadcasting or other communication to the public of short excerpts of a work seen or heard in the course of such events, to the extent justified by the purpose; and

(c) the reproduction in a newspaper or periodical, the broadcasting, or other communication to the public of a political speech, a lecture, address, sermon, or other work of a similar nature delivered in public, or a speech delivered during legal proceedings, to the extent justified by the purpose of providing current information.
Section 12. Reproduction and adaptation of computer programs.

(a) Notwithstanding the provisions of section 6, the reproduction, in a single copy, or the adaptation of a computer program by the lawful owner of a copy of that computer program shall be permitted without the authorization of the author or copyright owner, provided that the copy or adaptation is necessary:

(1) for use of the computer program with a computer for the purpose and extent for which the computer program has been obtained; or

(2) for archival purposes and for the replacement of the lawfully owned copy of the computer program if the lawfully owned copy of the computer program is lost, destroyed, or otherwise rendered unusable.

(b) No copy or adaptation of a computer program may be used for any purpose other than those specified in subsection (a), and any such copy or adaptation shall be destroyed if continued possession of the copy of the computer program ceases to be lawful.

Section 13. Display of works. Notwithstanding the provisions of section 6, the public display of originals or copies of works shall be permitted without the authorization of the author or copyright owner, provided that the display is made other than by means of a film, slide, television image or otherwise on screen and provided further that the work has been published or the original or the copy displayed has been sold, given away, or otherwise transferred to another person by the author, copyright owner, or their successors in title.

Section 14. Ownership of copyright.

(a) Initial ownership. Copyright in a work protected under this Act vests initially in the author or authors of the work. The authors of a joint work are co-owners of copyright in the work.

(b) Works made for hire. In the case of a work made for hire, the employer is the author for purposes of this Act and, unless the parties have expressly agreed otherwise in a written instrument signed by them, the employer owns all of the rights comprised in the copyright. In the case considered in section 2(y)(2), the person who has ordered or commissioned the work is the copyright owner.
(c) **Contributions to compilations.** Copyright in each separate contribution to a compilation is distinct from copyright in the compilation as a whole, and vests initially in the author of the contribution. In the absence of an express transfer of the copyright or of any rights under it, the owner of copyright in the compilation is presumed to have acquired only the privilege of reproducing, distributing, or communicating to the public the contribution as part of that particular compilation, any revision of that compilation, and any later compilation in the same series.

(d) **Audiovisual works and sound recordings.** Copyright in an audiovisual work or sound recording vests initially in the producer of such work, unless otherwise specified by contract. The co-producers of an audiovisual work or sound recording and the authors of the pre-existing works included in or adapted for the audiovisual work or sound recording shall maintain their copyrights in the contributions or pre-existing works, to the extent those contributions or pre-existing works can be subject to copyright protection separately from the audiovisual work or sound recording.

(e) **Anonymous and pseudonymous works.** Copyright in an anonymous or pseudonymous work vests initially in the publisher whose name appears on the work, who shall be presumed to represent the author. This presumption ceases to apply when the author reveals his or her identity.

(f) **Transfer of ownership.**

1. The ownership of a copyright may be transferred in whole or in part by any means of conveyance or by operation of law or may be bequeathed by will; provided, that in the absence of the foregoing means of transfer, ownership of a copyright shall pass as personal property under the laws and customs of the jurisdiction where the owner resides.

2. Any of the exclusive rights comprised in a copyright, including any subdivision of any of the rights specified by Section 6 of this Act, may be transferred as provided by paragraph (1) of this subsection and owned separately. The owner of any particular exclusive right is entitled, to the extent of that right, to all of the protection and remedies accorded to the copyright owner by this Act.

(g) The natural person whose name is indicated as the author on a work in the usual manner shall, in the absence of proof to the
contrary, be presumed to be the author of the work. This provision shall be applicable even if the name is a pseudonym, where the pseudonym leaves no doubt as to the identity of the author.

Section 15. Ownership of copyrights as distinct from ownership of material object. Ownership of a copyright, or of any of the exclusive rights under a copyright, is distinct from ownership of any material object in which the work is embodied. Transfer of ownership of any material object, including the copy or phonorecord in which the work is first fixed, does not of itself convey any rights in the copyrighted work embodied in the object; nor, in the absence of an agreement, does transfer of ownership of a copyright or of any exclusive rights under a copyright convey property rights in any material object.

Section 16. Duration of copyright.

(a) Copyright in a work created on or after the effective date of this Act exists from its creation and, except as provided by the following subsections, endures for a term consisting of the life of the author and 50 years after the author's death. Copyright in a work created before the effective date of this Act shall begin on the effective date of this Act and, except as provided by the following subsections, endures for a term consisting of the life of the author and 50 years after the author's death.

(b) In the case of a joint work prepared by two or more authors who did not work for hire, the copyright endures for a term consisting of the life of the last surviving author and 50 years after such last surviving author's death.

(c) In the case of an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of 75 years from the year of its first publication, or a term of 100 years from the year of its creation, whichever expires first. If, before the end of such term, the identity of one or more of the authors of an anonymous or pseudonymous work is revealed the copyright in the work endures for the term specified by subsections (a) and (b) of this section.

(d) In the case of an audiovisual work or collective work, the copyright endures for a term of 75 years from the year of its first publication, or 100 years from the year of its creation, whichever expires first.
PART III- PROTECTION OF PERFORMERS

Section 17. Scope of application.
(a) The provisions of this Part shall apply to:
   (1) performers who are nationals or residents of the Republic of Palau; and
   (2) performers whose performances take place in the territory of the Republic of Palau or are incorporated in sound recordings that are protected under this Act.
(b) The provisions of this Part shall also apply to performers that are eligible for protection by virtue of and in accordance with any international convention or other international agreement to which the Republic of Palau is a party.

Section 18. Acts requiring authorization of performers.
(a) Subject to the provisions of subsection (e), a performer shall have the exclusive right to carry out or to authorize any of the following acts:
   (1) the broadcasting or other communication to the public of his or her performance, except where the broadcasting or the other communication is made from a fixation of the performance or is a rebroadcasting made or authorized by the organization initially broadcasting the performance; provided, that a fixation made pursuant to subsection (e) or otherwise made without the authorization of the performer may not be broadcast or communicated to the public without the express authorization of the performer;
   (2) the fixation of his or her unfixed performance;
   (3) the direct or indirect reproduction of a fixation of his or her performance,
   (4) the distribution to the public by sale or other transfer of ownership, of a fixation of his or her performance, or copies thereof, that have not already been subject to a distribution authorized by the performer;
   (5) the rental to the public of a fixation of his or her performance, or copies thereof; irrespective of the ownership of the copy rented or lent; and
   (6) the making available to the public of his or her fixed performance, by wire or wireless means, in such a way that
members of the public may access them from a place or at a
time individually chosen by them.
(b) Independently of the performer’s economic rights, and even after
the transfer of those rights, the performer shall, as regards his or
her performance, have the right to be identified as the performer
of his or her performances, except where omission is dictated by
the manner of the use of the performance, and to object to any
distortion, mutilation, or other modification of his or her
performance that would be prejudicial to his or her reputation.
The provisions of subsection 6(b) shall apply to the rights
granted under this subsection.
(c) Nothing in this section shall be construed to deprive performers
of the right to agree by contract on terms and conditions more
favorable for them with respect to their performances.
(d) The rights under this section shall be protected until the end of
the 50th calendar year following the year in which the
performance was fixed in a phonogram, or in the absence of such
fixation, from the end of the year in which the performance took
place.
(e) Subsection (a) shall not apply in cases where, under Part I of this
Act, a work can be used without the authorization of the author
or copyright holder.
(f) Once the performer has authorized the incorporation of his or her
performance in an audiovisual fixation, the provisions
concerning his exclusive rights shall have no further application.

PART IV - ENFORCEMENT OF RIGHTS

Section 19. Infringement; civil remedies.
Anyone who violates any of the exclusive rights of the copyright or
the rights of performers provided under this Act is an infringer of
copyright or performers’ rights, as the case may be, and shall be
liable:
(a) to an injunction restraining such infringement;
(b) to pay the copyright owner or performer the greater of:
   (1) statutory damages of $1,000; or
   (2) the actual damages suffered by the owner or performer and
       any profits of the infringer that are attributable to the
       infringement and are not taken into account in computing
       the actual damages;
Section 20. Infringement; criminal offense; fraud.

(a) Every person who intentionally or recklessly infringes a copyright or the rights of a performer for the purpose of commercial advantage or private financial gain shall be fined not less than $5,000 nor more than $25,000.

(b) When any person is convicted of any violation under subsection (a) the court in its judgment of conviction, in addition to the penalty therein prescribed, may order the forfeiture and destruction or other disposition of all infringing copies or phonorecords and devices used in the manufacture of such infringing copies or phonorecords.

(c) Every person who, with fraudulent intent, places on any article a notice of copyright or words of the same purpose that such person knows to be false, or who, with fraudulent intent, publicly distributes or imports for public distribution any article bearing such notice or works that such person knows to be false, shall be fined not more than $2,500.

(d) Every person who, with fraudulent intent, removes or alters any notice of copyright appearing on a copy of a copyrighted work shall be fined not more than $2,500.

(e) Every person who is convicted of violating any of the provisions of this section for a second time shall be fined not more than $30,000, imprisoned for not more than one year, or both. Any subsequent conviction shall subject the violator to a fine of not more than $50,000, imprisonment for not more than two years, or both, for each subsequent offense.

Section 21. Infringement; provisional and preventative measures.

In addition to any other penalty or remedy provided by this Act, the Supreme Court shall have the authority, in accordance with applicable laws, regulations, and rules of the Republic, and on such terms as it may deem reasonable:
(a) to grant injunctions to prohibit the committing, or continuation of committing, of infringement of any right protected under this Act; and
(b) to order the impounding of copies of works or sound recordings upon a showing that the copies were made or imported without the authorization of the owner of any right protected under this Act where the making or importation of copies is subject to such authorization, as well as the impounding of the packaging of, the implements that could be used for the making of, and the documents, accounts, or business papers referring to such copies.

Section 22. Infringement; circumvention of copyright protection devices
(a) The following acts shall be unlawful and, in the application of sections through 21 of this Act, shall be considered infringements of the rights protected under this Act:
   (1) the manufacture or importation for sale or rental of any device or means designed or adapted to circumvent any device or means intended to prevent or restrict reproduction of a work or performance or to impair the quality of the copies made;
   (2) the manufacture or importation for sale or rental of any device or means that enables or assists in the reception of any encrypted program, which is broadcast or otherwise communicated to the public, including by satellite, by those who are not entitled to receive the program;
   (3) the removal or alteration of any electronic rights management information without authority; and
   (4) the distribution, import for distribution, broadcasting, communication to the public or making available to the public, without authority, of works, performances, knowing or having reason to know that electronic rights management information has been removed or altered without authority.
(b) In the application of sections through 21, any illicit device or means mentioned in subsection (a) and any copy from which rights management information has been removed, or in which such information has been altered, shall be considered infringing copies of works, and any illicit act referred to in subsection (a) shall be treated as an infringement of copyright
or neighboring rights to which the civil and criminal sanctions provided under this Act are applicable.

PART V - TRANSITIONAL AND FINAL PROVISIONS

Section 23. Regulations. The Attorney General shall promulgate regulations pursuant to the Administrative Procedure Act, 6 PNC Chapter 1, to carry out the purposes of this Act.

Section 24. Public education and awareness. Within 180 days from the effective date of this Act, the Ministry of Community and Cultural Affairs, in conjunction with the Attorney General, shall, through a combination of written materials and oral presentations, educate the public about the requirements and restrictions of this Act.

Section 25. Existing subject matter of protection. The provisions of this Act shall not apply to works created and first published and performances first fixed before the effective date of this Act. The Act shall not affect contracts on works and performances concluded before the effective date of this Act.

Section 26. Effective date. This Act shall take effect upon its approval by the President of the Republic, or upon its becoming law without such approval, except as otherwise provided by law.

PASSED: November 07, 2003
Approved this 26th day of November 2003.

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Tommy E. Remengesau, Jr., President