

I . Safeguarding system & policy

1. National Law

HOUSE OF ARIKI ACT 1966

This Act establishes the House of Ariki or the Council of Chiefs. Members of the House of Ariki are chiefs who have been invested under the customary or traditional method.

Particular article(s) related to ICH are found in SECTION 8(2) "It may of its own motion make recommendations to the Legislative Assembly upon question affecting the customs or traditions of the Cook Islands or any of them or the inhabitants thereof provided that before considering any such motion the President of the House shall invite the Premier or any minister or person the Premier shall appoint to be present and take part in the proceedings as if present pursuant to section ten subsection three of this Act.

This article enables the House of Ariki to make recommendations to the Legislative Assembly if there are instances where the customs and traditions are being compromised

1) Responsible organization/department

House of Ariki, is an adhoc Government Agency with an office located in the Parliament Building of the Cook Islands. The Department is administered by an officer and houses the office of President of the House of Ariki.

2) Contact details

Tou Ariki, President, House of Ariki, Rarotonga, Cook Islands

3) Information source

Tou Ariki, House of Ariki 10th September 2011

2. MINISTRY OF CULTURAL DEVELOPMENT ACT 1990

The Ministry of Cultural Act 1990 was passed in Parliament to give the Ministry the necessary legislative tools to implement programs to preserve, protect and promote the cultural heritage of the Cook Islands.

Culture was initially incorporated into the structure of internal affairs from the 1960's. It comprised of a Tumu Korero Division established to collect oral traditions. This division was shut down in the early 1980's after accumulating many recordings from elders in the community.

The other component of culture existing at the time was a committee set up to organise the performing arts festival known as the Constitution Celebrations. Scheduled close to the commemoration of Internal Self Governing Day on August 04th, the festival brings communities together celebrate through performance and competition.

Government realised that culture was a fundamental component in the development of the nation and required its protection. It designed an Act to combine institutions with a cultural focus to form the Ministry of Cultural Development.

PART II – Establishment

3. Ministry of Cultural Development

- (1) There shall be a Ministry of State to be known as the Ministry of Cultural Development which, under the control of the Minister, shall be charged with the objectives and functions set out in Section 4 and such other objectives and functions as may be lawfully conferred on the Ministry.

The FUNCTIONS and OBJECTIVES of the Ministry of Cultural Development as stipulated in the Act are as follows:

4. Principal objectives and functions of the Ministry -

- (1) The principal **objectives** of the Ministry shall be to –
 - (a) Preserve, perpetuate and enhance the Cook Islands cultural heritage in order to uphold tradition and develop an appreciation for this important national resource;
 - (b) Encourage the growth and expansion of productive economic, social and educational activities as may enhance cultural art forms;
 - (c) Present where appropriate, the varied elements of ancient and contemporary Cook Islands art and cultural forms;

(d) to maintain the unique cultural identity of the people of the Cook Islands.

(2) The principal **functions** of the Ministry shall be to –

- (a) encourage, promote, support and develop the standards in the arts;
- (b) encourage, promote and develop the practice and appreciation of the Cook Islands Arts and Culture;

The Ministry of Cultural Development Act is overarching and embraces both the tangible and intangible cultural heritage, as well as the traditional and contemporary culture.

The Act also establishes divisions within the Ministry of Cultural Development to assist with preserving the many aspects of cultural heritage.

National Archives – Administers the Public Records Act to ensure that all Government Records after a period of 7 years are deposited in the National Archives. Among its important documents is the oral traditions collection from the 1970's. This project is detailed further in the survey.

Anthropology Division - has the purpose of collecting oral traditions and making publications out of these histories. It is also responsible for the Cultural and Historic Places Act. In its capacity as the research arm of the Ministry, the Anthropology Division has been charged with leading the efforts of ICH, as it encompasses the various forms of ICH found in other divisions, like performing Arts, visual arts and language

The National Library - was established to house a collection of books written about the Cook Islands in General. Although the legal Deposit Act has not been completed, the Library has some collection of Cook Islands books. Thesis, and writings from workshops are deposited in this library and some are historical narratives of ICH in the Cook Islands in its traditional form. The National Library has a good reference section on ICH material over the years.

Performing Arts – This division over the past years has been responsible for organising national events, celebrations and cultural activities. The Constitution Celebrations is the responsibility of this division and was revived in 1998 under the name Te Maire Maeva Nui then changed to Te Maeva Nui a few years later. The Performing Arts Division organises other national events such as the Mire Atu (Composers competition), Mire Ura (National Dancer of the Year Competition) and the Mire Tiare (Festival of flowers).

These events promote the performing arts as well as ensure the knowledge and skills are passed on to the next generation.

National Museum – The National Museum administers the Antiquities and Artefacts Act which focuses on the prevention of illicit trafficking of artefacts. Exhibitions to promote the arts and training workshops to foster the development of promising artisans are just a few of the activities that they regularly engage in. The National Museums registers over 300 objects in its fairly recent collection.

The Ministry of Cultural Development is able restructure its division from time to time. In 2003 the Maori Language Act came into force and the creation of the Maori Language Division.

Reo Maori Division – The Reo Maori division administers the Maori Language Act 2003 and provides secretarial support for the Maori Language Commission.

5. THE MAORI LANGUAGE ACT 2003

Maori Language Act 2003

- (a) To give effect to the declaration that Maori is an official language of the Cook Islands;
- (b) To bring about a status for Maori that is equal to English in the Cook Islands

The Maori Language Act establishes the Maori Language Commission and enforces that the Maori Language is one of two official languages of the Cook Islands, the other being English.

The Maori Language Commission has functions to the effect of: promote, protect and preserve the languages of the Cook Islands.

The current structure of the Ministry of Cultural Development does not conform to the divisions mentioned above. Some have been merged and others removed for more efficient use of resources. Nonetheless the functions of the Ministry as specified in the Act still remain and some functions are implemented by officers in different divisions. Therefore protecting the various forms of cultural heritage continues to be one of the primary focuses of the Ministry.

Two Bills are before Parliament and are expected to be enacted in 2012. These will be administered by the Ministry of Cultural Development.

6. COPYRIGHT BILL 2010

The Bill proposes to protect the literary works of authors and composers.

7. TRADITIONAL KNOWLEDGE BILL 2010

The Traditional Knowledge Bill intends to protect those traditional properties of cultural heritage that is not covered by current legislations. It considers communal ownership of cultural property and allows for the formation of an authority to investigate claims of traditional ownership.

8. Contact details

Sonny Williams, Head of Ministry, sonny@oyster.net.ck PO Box 8 Rarotonga, Cook Islands

9) Information source

- Justina Nicholas, Heritage Manager, heritage@culture.gov.ck 10th September 2011

► Cultural Policy

There is no Cultural Policy in place as the current head of the Ministry of Culture feels that the Ministry of Cultural Development Act is efficient in providing the necessary protection to the cultural heritage of the Cook Islands.

However there is a Maori Language Policy that strengthens the use of the Maori Language in Government and the media. A presentation in the 1990 Tumu Korero workshop discovered that the amount of Maori spoken and written in the work place ranged from very little to none at all.

The policy also requires applicants of the Permanent Residency certificate to receive a certificate of competency in conversational Maori. These are one of the few measures in place to encourage the use and appreciation of the Maori Language.

► In your opinion, what methods and means are needed to enhance the process of developing safeguarding policies and systems? Please, be specific.

1. Stocktake

An inventory of ICH is required to be developed in order to know what is in place and how to better protect it. A cultural mapping project was planned by the ministry of cultural development to gauge the number of cultural

practitioners where they are and what their area of expertise is. This is still in the pipeline and would most likely be implemented in 2012.

2. National Consultation

Once the baseline data is available, then a National Consultation should be implemented to collect the views of the community. Ideas on the most effective means to safeguard and promote ICH should originate at the community level. It is the centre of activity in regards to ICH and methods of protection should generate from here.

The communities shall also be implementing agents for any strategies designed.

3. Awareness raising programs

This activity is designed to educate the community and understand the importance of ICH. This understanding will enable the community to assist in modelling the safeguarding policies and systems required. They will be further encouraged to monitor and supervise the activities.

4. Developing safeguarding policies and systems

With a well-informed community on ICH, the task of developing safeguarding policies should be straightforward. Their knowledge and awareness will be effective in this undertaking. The ownership and authorship of the policy lies in the hands of the community, stakeholders and Non-Government organisations working in collaboration with Government.

Specific points for each group's to implement in order that ICH is intact.

GOVERNMENT

1. To ensure funding is available to NGO's in the cultural sector to strengthen organisational capacity and to implement projects. NGO's such as the Tivaivai Association, Cook Islands National Visual Arts Society (CINVAS) are no longer functioning due to financial difficulties. Funds up to \$5,000 could easily assist Non-Government Organisations with administration expenses. Further to that small and effective training workshops could be organised within those financial limits.
2. Administrative support from Government is necessary to help NGO's survive. Members of NGO's provide services voluntarily. The Government should provide its stakeholders with research and data in order that projects can be planned and implemented.

CHALLENGES – Preservation and transmission of ICH.

“To promote the use and practices of ICH in the Cook Islands and ensure their authenticity is intact and passed on to the next generation”

There is room for encouragement for the analysis of ICH and see how it can contribute to economic wellbeing in the country