

THE VANUATU CULTURAL CENTRES AND THE NAGOL LAND DIVE CEREMONY ¹

The Vanuatu Cultural Centre² consists of a National Photo, Film and Sound Archive³, a National Museum⁴, a National Library⁵ and the National Cultural and Historic Sites Register⁶. Its collections therefore include cultural artifacts, photographs, film and audio-visual recordings, information pertaining to cultural sites and other historical items. Furthermore, as part of its functions, it is responsible for managing and safeguarding the cultural heritage of Vanuatu. The Centre also provides for fieldwork projects and cultural research, in which the Centre collaborates with local communities in cultural heritage management⁷.

From a policy and legal perspective, the Centre plays an active role in cultural policy-making at national level. The Centre has taken policy and legal measures in response to growing concerns from local communities. For instance, the Centre has a Vanuatu Cultural Research Policy⁸, which addresses certain important aspects to be considered before any research can commence. This includes, amongst other things, understanding Vanuatu's "kastom"⁹. Researchers must also respect "traditional copyright protocols"¹⁰ protected under Vanuatu's Copyright Act¹¹. Any breaches would be followed by the enforcement of sections 37 and 38 of the Copyright Act¹². The Policy furthermore

¹ The views expressed in the resource and practices referred to in this summary do not necessarily constitute the views of WIPO or any of its Member States.

² See <http://www.vanuatuculture.org>

³ See http://www.vanuatuculture.org/film-sound/050517_nffsu.shtml

⁴ See http://www.vanuatuculture.org/museum/050520_nationalmuseum.shtml

⁵ See http://www.vanuatuculture.org/library/050517_nationallibrary.shtml

⁶ See <http://www.vanuatuculture.org/vchss/index.shtml>

⁷ See Huffmann, K. (1999) "Communities and Fieldworkers: The Vanuatu Experience", OCEANIA, Vol. 70, No. 1, quoted in Mahina, K. (2004) "Museum of New Zealand Te Papa Tongarewa: The Case of the Intangible Heritage", ICME papers, <http://www.museumsnett.no/icme/icme2004/mahina.html>

⁸ See http://www.wipo.int/tk/en/folklore/culturalheritage/pdf/vanuatu_policy.pdf

⁹ In the policy, this is defined as indigenous knowledge and practices, see http://www.wipo.int/tk/en/folklore/culturalheritage/pdf/vanuatu_policy.pdf

¹⁰ See point 6 of the Research Policy, http://www.wipo.int/tk/en/folklore/culturalheritage/pdf/vanuatu_policy.pdf

¹¹ See http://www.wipo.int/tk/en/laws/pdf/vanuatu_copyright.pdf

¹² See point 6 of the Research Policy, http://www.wipo.int/tk/en/folklore/culturalheritage/pdf/vanuatu_policy.pdf

includes a “Research Agreement”¹³, which needs to be completed and signed by the prospective researcher and the Cultural Centre.

Another measure developed by the Cultural Centre followed the intensification of the commercialization of the Nagol or Pentecost land dive ceremony¹⁴. This traditional ceremony, regarded as a living traditional cultural expression¹⁵, originates from a tale in which Tamalie was to have abused his wife so severely that she decided to run away and hide in a tree. After her husband had found her, she wanted to commit suicide by tying her ankles with “lianas vines” and jumping from the tree she was hiding in. Tamalie jumped after her, but he was killed because he had not tied his ankles. The Nagol ceremony was hence performed once or twice a year to celebrate this legend. The tradition did behold that only men could execute the dive performance simply to show to the women their masculinity and worthiness and most importantly to send these women the message that they would not be “fooled again”. Other reasons for diving also included diving for a good yam harvest and simply diving for fun. The pre-dive preparations include a range of ritual washing, body paints and decorations, dances and performances¹⁶.

This ceremony had attracted the attention of many third parties, including commercial film crews, groups of singers and dancers and tour operators. The tradition therefore risked to becoming a sole “commercial attraction” as it was practically no longer perceived as being culturally significant. The immense attraction also caused the ceremony to be performed every Saturdays in May and June of each year instead of the original once or twice a year. The local communities had consequently argued that the “commercial attraction and activities” such as filming distorted the traditional ceremony and that there was a lack of transparency and fairness in the remuneration paid by the third parties to these communities.

¹³ See <http://www.vanuatuculture.org/documents/ResearchAgreement.doc>

¹⁴ See http://www.vanuatuculture.org/film-sound/20051122_pentecost_land_dive.shtml

¹⁵ See paper submitted by Vanuatu as part of its panel participation IGC’s 9th IGC session, <http://www.vanuatuculture.org/documents/RegenvanuIGC2006.DOC>

¹⁶ See http://www.survivorfever.net/s9_land_diving.html for more details and the Nagol slideshow.

This incident, however, was not the only case in which the communities were excluded from any proper benefit-sharing. The Nagol land diving has been claimed as the “source of inspiration” for bungee jumping. In a paper presented before the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore¹⁷ (IGC) at the 9th session¹⁸, the Director of the Cultural Centre, Mr. Ralph Regenvanu, states that local communities were never given the opportunity for prior informed consent or for benefit-sharing in relation to the appreciation of their ceremony neither were they able to find legal protection at that time¹⁹.

In order to prevent such cases, the Centre has therefore started developing policies and legal measures, which includes a “moratorium” on the filming of the ceremonies, based on section 6.2.i of Chapter 186 of the Vanuatu National Cultural Council Act, 1988²⁰. This moratorium is thus an initiative of the Centre to persuade all parties involved to engage in the long-term process for the development of a coordinated Management Plan of the tradition. The objectives are to preserve the cultural meaning of traditions, to secure the transmission of traditional knowledge to future generations, and to promote the acknowledgement of customary owners through a distinct entity. In other words, besides safeguarding and preserving traditional knowledge and expressions, the intellectual property rights of customary owners would be made known and respected.

For more information, see WIPO, “Intellectual Property and Safeguarding Intangible Cultural Heritage: A Survey of Current Practices and Protocols in the South Pacific”²¹, written for WIPO by Malia Talakai, 2007.

¹⁷ See <http://www.wipo.int/tk/en/igc/>

¹⁸ See http://www.wipo.int/meetings/en/details.jsp?meeting_id=9765

¹⁹ See paper by Mr. Ralph Regenvanu, Director, Vanuatu Cultural Centre at WIPO’s 9th IGC session, <http://www.vanuatuculture.org/documents/RegenvanuIGC2006.DOC>

²⁰ This Section indicates the right to “acquire copyright” by the Vanuatu National Cultural Council, see WIPO Heritage Database for the Vanuatu National Cultural Council Act, 1988.

²¹ http://www.wipo.int/tk/en/folklore/culturalheritage/casestudies/talakai_report.pdf