

# VANUATU CULTURAL RESEARCH POLICY

## 1. Definitions

"Kastom" : indigenous knowledge and practice and the ways it is expressed and manifested.

"Local community" : the group(s) of people that are the subject of the research effort and/or live in the area in which research is being undertaken.

"Ni-Vanuatu" : a citizen of the Republic of Vanuatu as defined by the Constitution of the Republic of Vanuatu.

"Products of research" : written and printed materials, illustrations, audio and audiovisual recordings, photographs, computer databases and CDs, artifacts, specimens.

"Cultural research" : any endeavour, by means of critical investigation and study of a subject, to discover new or collate old facts or hypotheses on a cultural subject; the latter being defined as any anthropological, linguistic, archaeological, historical or related social study, including basic data collection, studies of or incorporating traditional knowledge or classification systems (eg. studies of the medicinal properties of plants, land and marine tenure systems), documentary films and studies of introduced knowledge and practice.

"Tabu" : a subject to which access is restricted to any degree. Such subjects can include places, names, knowledge, oral traditions, objects and practices.

"Traditional copyright" : the traditional right of individuals and communities to control the ways the information they provide is used and accessed. The issue of traditional copyright arises when individuals or communities either own or are the custodians of specialised (and usually tabu) knowledge and its communication. This knowledge can include names, designs or forms, oral traditions, practices and skills.

"Fieldworker" : fieldworkers are permanent voluntary extension workers of the Vanuatu Cultural Centre whose responsibility is to document, maintain and develop kastom in their respective communities. Fieldworkers receive training in cultural heritage management techniques at annual workshops. These workshops have taken place for over 20 years.

## 2. Guiding principles

2.1 Kastom embodies and expresses the knowledge, practices and relationships of the people of Vanuatu and encompasses and distinguishes the many different cultures of Vanuatu.

2.2 The people of Vanuatu recognise the importance of knowing, preserving and developing their kastom and history.

2.3 Kastom belongs to individuals, families, lineages and communities in Vanuatu. Any research on kastom must, in the first instance, respond to and respect the needs and desires of those people to whom the kastom belongs.

2.4 Research is the documentation and creation of knowledge. As such, research results incorporate the particular viewpoints of researchers.

2.5 Research in practice is a collaborative venture involving researchers, individual and groups of informants, local communities, chiefs and community leaders, cultural fieldworkers, cultural administrative bodies and local and national governments, and must be approached as such.

### **3. Policy statements**

#### **3.1 Objectives :**

- 3.1.1 To ensure that cultural research projects are consistent with Vanuatu's own research priorities, and to make researchers aware of these priorities.
- 3.1.2 To establish a clear process by which applications from foreign nationals to undertake research in Vanuatu can be evaluated. This Policy is not intended to apply to research undertaken by ni-Vanuatu, by Government officers in the execution of their duty or at the request of the Government of the Republic of Vanuatu.
- 3.1.3 To ensure that the number of researchers working in Vanuatu at any one time is manageable, and that researchers are adequately prepared for collaborative fieldwork. For this reason, this Policy distinguishes between researchers new to Vanuatu, and those with previous experience in the country.

#### **3.2 Responsibility for research in Vanuatu**

- 3.2.1 The Vanuatu National Cultural Council is responsible for research in Vanuatu under chapter 186, 6(2)(e) of the Laws of the Republic of Vanuatu. It is the role of the National Cultural Council to define and implement national research policies (including those outlined in this document), to define national research priorities, and to sponsor, regulate and carry out programs of research. The Vanuatu Cultural Centre is the executing arm of the National Cultural Council, and is responsible for implementing this Policy.
- 3.2.2 As part of its function to regulate research, the National Cultural Council will determine whether it is desirable that a foreign national undertake research on a cultural subject in Vanuatu.
- 3.2.3 Individuals who undertake research without authorisation from the National Cultural Council (for example, on a tourist/visitor visa) risk confiscation of research materials, deportation and refusal of all further entry visas.

#### **3.3 Priorities for research**

- 3.3.1 Through the Vanuatu Cultural Centre, the National Cultural Council sponsors an active program of research involving Centre staff and fieldworkers, local communities and foreign researchers. New research proposals should participate in and extend these existing and ongoing research projects. Priority will be given to projects which involve active collaboration with counterpart ni-Vanuatu researchers.
- 3.3.2 Priority subjects for Cultural Centre research in the period 2001-2005 are:
  - Language description and documentation (orthographies);
  - Cultural and historic site documentation;
  - Documentation of indigenous histories;
  - Case studies of contemporary social change.

## **4. Process for application submission and evaluation**

### 4.1 Application categories and quotas

4.1.1 The Cultural Council can only support a limited number of researchers at any one time due to its infrastructural capacity and has therefore established a quota system for the number of research permits that will be granted in any given year. The categories in which new research proposals will be considered, and their quotas, are:

- a. proposals from new researchers for short-term research (fieldwork for less than 2 months): up to 8 per annum
- b. proposals from new researchers for long-term research (fieldwork for longer than 2 months): up to 4 per annum
- c. new proposals (short or long-term) from individuals with previous long-term field research experience in Vanuatu: up to 6 per annum
- d. projects being undertaken for and on behalf of museums: up to 4 per annum
- e. filming projects: no quota at present

4.1.2 In research ventures that involve more than one researcher, a separate agreement is required for each researcher stating exactly what the research topic and capacity of each individual is to be, and which may carry its own unique obligations.

4.1.3 In the case of projects being undertaken by researchers for and on behalf of museums, it is expected that a relationship between the two institutions will be established to facilitate the exchange of information, and that the researcher will then work as part of this institution to institution relationship.

4.1.4 Scientific research projects are the responsibility of the National Environment Unit, and proposals for such research should be forwarded to:

### 4.2 Deadlines for applications

4.2.1 Applications to undertake research will be assessed and research permissions granted twice a year.

4.2.2 The deadlines for submission are the 30<sup>th</sup> of September and the 30<sup>th</sup> of March. Decisions will generally be communicated to applicants within 8 weeks of the submission deadlines.

### 4.3 Evaluation of applications

4.3.1 The following criteria will be considered in assessing applications:

- a. New researchers who can demonstrate that they have previous fieldwork experience elsewhere or that they have undertaken a fieldwork methods training course will be given priority in the application rating process.
- b. New researchers must also attach a letter from their supervisor, head of department or from a Vanuatu specialist confirming that the applicant has a good working knowledge of the ethnography of Vanuatu as available in existing published literature.
- c. New researchers must also include a declaration of willingness to study Bislama prior to commencing fieldwork
- d. Researchers who have previously worked in Vanuatu, must demonstrate that they have fulfilled all obligations under their last research permit before they will be granted a new research permission.
- e. The National Cultural Council may refer proposals for assessment to suitable advisers such as fieldworkers, chiefs or academic referees. All researchers must provide to the Council the name and address of a referee of professional standing to assist in its evaluation of the proposal.

## **5. Process for approval and fees**

5.1 The research proposal must receive the approval of the local community. The Cultural Centre is able to discuss the proposed research proposal with the local community to facilitate this process.

### **5.2 Fees / Guarantees**

5.2.1 An authorisation fee of 25 000 vatu must be provided by the researcher before the research proposal can be approved. Where research involves more than one visit, and this is clearly stated in the Research Agreement, a fee of 5000 vatu is to be paid on each subsequent visit after the first.

5.2.2 Researchers not affiliated with a recognised research institution will be required to provide a deposit of 40 000 vatu to ensure compliance with the conditions for the deposit of products of research as stipulated in section 9 of this document. This fee is retrievable once such deposits are made.

5.2.3 For researchers affiliated with a recognised research institution, a letter from the institution guaranteeing the deposit of products of research by the researcher is required before the research proposal can be approved.

5.2.4 In cases where it is necessary for Cultural Centre personnel to travel to the proposed research location to help facilitate the research venture (either prior to, during or after the period of research), the researcher will cover any costs incurred in such travel.

5.3 All funds received from the researcher will be used by the National Cultural Council to cover administrative and logistical costs incurred in the setting up and implementation of the research venture.

5.3.1 The National Cultural Council may waive any or all of the above fees.

5.4 The approval of a research proposal is signified by the signing of the Research Agreement [Appendix 1] by the researcher and the National Cultural Council, the latter signing on behalf of the local community and the national government.

5.5 As a foreign national, the researcher will be registered as working for the Vanuatu Cultural Centre under the Immigration Act category of a “person seconded to the Government of Vanuatu” (Cap.66, 9(b) of the Laws of Vanuatu).

5.6 Should the National Cultural Council decide to terminate a research venture (see section 10 of this document), the Research Agreement will be annulled and the researcher's visa withdrawn.

## **6. Traditional copyright considerations**

Researchers are obliged to observe and respect traditional copyright protocols. Traditional copyright is protected under the Copyright Act (chapter of the Laws of Vanuatu), and breaches will be dealt with under the appropriate provisions of this legislation (sections 37 and 38).

## **7. Ni-Vanuatu participation in research and training**

There must be maximum involvement of indigenous scholars, students and members of the community in research, full recognition of their collaboration, and training to enable their further contribution to country and community. In most cases, researchers will be attached to a Cultural Centre fieldworker who will direct and advise the researcher. Training will be provided by the researcher in specific areas determined in collaboration with the fieldworker or community leaders, but should be generally concerned with cultural research and documentation skills, and have the aim of facilitating the continuation of research once the foreign researcher leaves the country. The National Cultural Council may nominate individuals to be involved in research and/or trained.

## **8. Benefits**

### **8.1 Community-based projects**

Where research is undertaken with a local community, the research will include a product of immediate benefit and use to that community. This product will be decided upon by the researcher, the local community and the Cultural Centre in the early part of the fieldwork, and the Cultural Centre may have a role in assisting the researcher in its provision. Such products could include booklets of kastom information, photo albums of visual records, simple educational booklets for use in schools (the provision of all products for use in schools should be coordinated by the Curriculum Development Centre), programs for the revitalisation of particular kastom skills in the community, training workshops in cultural documentation, etc. This product will be provided no later than 6 months after termination of the research period.

### **8.2 Projects not undertaken with communities**

Where research does not involve a local community, the research will only include a product of benefit to the nation (see section below).

### **8.3 Benefit to the nation**

The National Cultural Council, the Cultural Centre or the national government may request any researcher to provide certain products or perform certain services additional to their research work. For instance, researchers could provide assistance to government by providing information from their community research perspective, such as health surveys, information on the viability of certain development projects, etc. They could also provide free consultancies to the Cultural Centre or other national bodies, such as initiating educational projects in their host community. Foreign researchers can also provide for the Cultural Centre invaluable access to materials on Vanuatu held overseas, contacts overseas, and might be able to facilitate scholarships for ni-Vanuatu students in overseas educational institutions. Any such undertaking(s) expected of the researcher will be stipulated in the Research Agreement.

## **9. Deposit and accessibility of products of research**

Copies of all products of research are to be deposited without charge with the Cultural Centre under the provisions of chapter 88 of the Laws of Vanuatu. Where feasible, research results should be made accessible to the local community through such means as audio or video cassettes or copies of publications, preferably in the vernacular. Materials to be deposited comprise:

9.1 Interim report. Researchers must submit an interim report of not less than 2000 words no later than 6 months after the research period has ended giving a reasonable precis of their work. This should be in one of the national languages and in 'layman's terms' so as to be of general use to all citizens.

9.2 Written materials (manuscripts, theses, publications, maps and diagrams). Published materials including theses must be deposited upon completion or publication. Where publications are in a language not spoken in Vanuatu the researcher must provide a translation of an appropriate selection of their publications, preferably in the language of education in the local community. Copies of field notes, including unpublished maps and diagrams, must be deposited upon completion of the project. The Cultural Centre will not make copies of field notes available to other expatriate researchers until after the original researchers death.

9.3 Film and video. Copies of all footage taken, including unedited portions (RUSH) and edited final products in broadcast-quality, must be deposited with the National Film and Sound Unit of the Vanuatu Cultural Centre. Unedited footage must be accompanied by information about the subject matter, the film-maker and the filming. Two copies of edited final copies of films and videos are to be provided, one for public screening and the other for deposit in the archives.

9.4 Photographs. Copies of all photographs of documentary significance accompanied by explanatory information must be deposited (photographs of key individuals, ceremonies, manufacturing processes, important places, etc).

9.5 Artefacts. The removal of any artefacts or specimens from the country is prohibited under chapter 39 of the Laws of Vanuatu. Any artefacts collected must be submitted to the Cultural Centre and may be retained. Artefacts and specimens may be taken out of the country for overseas study and analysis under the provisions of chapter 39(7), with conditions for their return being stipulated in the Research Agreement.

9.6 Sites. The Vanuatu Cultural and Historic Sites Survey is to be consulted about the provision of information on any sites of cultural or historic significance recorded.

## **10. Termination of a research project**

The National Cultural Council may revoke its approval of and terminate a research venture should the researcher fail to comply with any of the conditions agreed to in the Research Agreement. Should a research project be terminated before its completion, copies of all products of research made prior to termination are to be deposited with the Cultural Centre as outlined in section 9 of this document. In the case of termination by the local community, the National Cultural Council may reconsider the research project for another locality.

## **11. Role of the Vanuatu Cultural Centre**

The Cultural Centre is responsible for facilitating, coordinating, and administering all research projects in the country and for ensuring feedback on these projects to national government and non-government bodies. In this capacity the Cultural Centre will:

11.1 Identify potential subjects and areas of research, formulate research proposals and invite foreign and ni-Vanuatu researchers to undertake certain projects.

11.2 Facilitate and assist the undertaking of research by ni-Vanuatu.

11.3 Identify and facilitate opportunities for local communities to request trained researchers to assist them with research of their kastom and history.

11.4 Provide advice on obtaining permission to conduct research and on conditions of work and living in potential areas of research to interested parties.

11.5 Assist in the formulation of research proposals to involve input by ni-Vanuatu, and nominate persons for involvement.

11.6 Provide advice to the National Cultural Council.

11.7 Facilitate and ensure awareness of the research proposal in the local community and assist the members of the community in making a decision as to their involvement.

11.8 Educate local community members and the researcher(s) as to their rights under the Research Agreement.

11.9 Assist the local community and the researcher in determining the product of immediate benefit and use to be provided by the researcher and assist in its provision.

11.10 Inform the local government, area council of chiefs and any other relevant regional and national bodies of the undertaking of a research project.

11.11 Monitor the research venture with a view to ensuring compliance with the Research Agreement and providing feedback to relevant national bodies.

11.12 Assist the researcher.

11.13 Receive and caretake deposited products of research.

11.14 Facilitate the provision of products of research to schools and assist the National Curriculum Centre in their preparation.

11.15 Publicise this policy within Vanuatu and to overseas research institutions, universities, etc.

## **12. Commercial ventures**

Where any of the products of research are to be used for commercial purposes, a separate agreement between the National Cultural Council and the researcher will be made specifying the basis on which sales are to be made and the proceeds of sales are to be distributed. The details of this agreement will be recorded in section 12 of the Research Agreement. The National Cultural Council will be responsible for distributing the funds received to the designated individuals, communities and institutions within Vanuatu. Where research is engaged in for commercial purposes, it is the responsibility of the researcher to make all informants and suppliers of information aware of this fact, and to come to an agreement with them on the amount of royalty to be paid on received data. The National Cultural Council has to approve any such agreements relating to commercial outcomes from research. Copies of all commercial products of research are to be deposited with the Cultural Centre as specified in section 9 of this document.

**Research Agreement**

AN AGREEMENT made the ..... day of ..... , 200..... .

BETWEEN : THE NATIONAL CULTURAL COUNCIL, representing the Government of the Republic of Vanuatu and the local community, (hereinafter called "the Council") of the one part.

AND :

of (institution)

(hereinafter called "the Researcher") of the other part.

WHEREAS :

(1) The Researcher has applied to the Council to do research work in the Republic of Vanuatu, and agrees to the conditions placed upon her/him in this document and to compliance with the intent of the ethics described in the Vanuatu Cultural Research Policy.

(2) The Council has agreed to allow the Researcher to do such research, and has agreed to the obligations placed upon it by this document and by the Vanuatu Cultural Research Policy.

AND THEREFORE THE PARTIES AGREED AS FOLLOWS :

(1) The Council hereby authorises the Researcher to undertake research work in Vanuatu on the subject of

with the communit(y/ies) of

on the island/s of

in the capacity of (if more than one researcher is involved)

for the period up until (Specify if research will involve more than one visit)

(2) The Researcher has paid an authorisation fee of 25,000 vatu to cover all administrative costs incurred in the setting up and implementation of the research venture, or this fee has been waived by the Council.



(3) The right to the products of research shall belong to the Researcher who shall be entitled to reproduce them for educational, academic or scientific purposes, provided that traditional copyrights are not compromised and the permission to use material has been obtained from copyright holders with their prior informed consent. The products of research shall not be reproduced or offered for sale or otherwise used for commercial purposes, unless specified under section 12 of this agreement.

(4) Copies of all non-artefact products of research are to be deposited without charge with the Cultural Centre and, where feasible, with the local community. Two copies of films and videos are to be provided, one for public screening and the other for deposit in the archives. In the case of films, a copy on video is also required. Any artefacts collected become the property of the Cultural Centre unless the traditional owners specify otherwise. The carrying of any artefacts or specimens outside the country is prohibited as stipulated under cap.39 of the Laws of Vanuatu. Artefacts and specimens may be taken out of the country for overseas study and analysis under cap.39(7). The conditions for the return of the following materials are:

*(Specify artefacts/specimens/other materials and conditions for return)*

The Researcher has either

- (a) provided a letter from the institution to which they are affiliated guaranteeing the researcher's compliance with the above conditions, or
- (b) provided a retrievable deposit of 40 000 vatu to ensure their compliance with these conditions.

(5) The Researcher will be responsible for the translation of a publication in a language other than a vernacular language or one of the three national languages of Vanuatu into a vernacular or one of the national languages, preferably the one used in education in the local community. They will also make the information in all products of research, subject to copyright restrictions, accessible to the local community through such means as audio cassettes or copies of recorded information, preferably in the vernacular. The Researcher will also submit an interim report of not less than 2000 words no later than 6 months after the research period has ended giving a reasonable precis of their work. This will be in one of the national languages and in 'layman's terms' so as to be of general use to all citizens.

(6) There will be maximum involvement of indigenous scholars, students and members of the community in research, full recognition of their collaboration, and training to enable their further contribution to country and community. The Council nominates the following individuals to be involved in research and/or trained, in the following capacities:

(7) A product of immediate benefit and use to the local community will be provided by the Researcher no later than 6 months after termination of the research period. This product is:

(8) In addition to their research work, the Researcher will, as a service to the nation of Vanuatu, undertake to : (section 8.3 of the Cultural Research Policy suggests possible services of benefit to the nation)

(9) In undertaking research the Researcher will:

a) recognise the rights of people being studied, including the right not to be studied, to privacy, to anonymity, and to confidentiality;

b) recognise the primary right of informants and suppliers of data and materials to the knowledge and use of that information and material, and respect traditional copyrights, which always remain with the local community;

c) assume a responsibility to make the subjects in research fully aware of their rights and the nature of the research and their involvement in it;

d) respect local customs and values and carry out research in a manner consistent with these;

e) contribute to the interests of the local community in whatever ways possible so as to maximise the return to the community for their cooperation in the research work;

f) recognise their continuing obligations to the local community after the completion of field work, including returning materials as desired and providing support and continuing concern.

(10) In all cases where information or material data is obtained by the Researcher, the Researcher has the responsibility to make his/her informant(s) fully aware of their rights and obligations, and those of the Researcher, in the transmission of this information. In particular, it is the obligation of the Researcher to:

a) ensure the informant(s) have given their Prior Informed Consent to provide this information for the purposes of the research project ;

b) record full details as to the extent to which this information can be transmitted to other people and to publish or otherwise disseminate this information only in accordance with these disclosure details given by the informant(s) ;

c) properly acknowledge and attribute this information to the informant(s) in all cases where it is recorded, published and/or cited.

(11) A breach of any part of this agreement by the Researcher or a decision by the local community that it no longer wishes to be involved in the research venture will result in the termination of the research project.

(12) (Additional clauses/conditions) (This section will detail commercial ventures, extra costs incurred by the Cultural Centre, etc.)

Signed :

.....  
The Researcher

.....  
On behalf of the National Cultural Council.

## NATIONAL POLICY ON FILMING IN VANUATU

**1.** All film making (including video) in Vanuatu falls under the jurisdiction of the National Film and Sound Unit of the Vanuatu Cultural Centre, which must be notified of any film making activity in the country.

**2.** Any film making that is undertaken by foreign film makers and that involves a **cultural subject** (that is, any ethnographic footage or footage particularly featuring scenes from people's daily lives) requires the consent of the Vanuatu National Cultural Council, and must satisfy the following conditions:

a) A formal application to film in Vanuatu must be made to the Vanuatu Cultural Centre at least 4 weeks in advance of filming. A tentative or confirmed itinerary must be presented with this application.

b) A minimum authorisation fee of **50 000 vatu** (travel program) or **100 000 vatu** (documentary) must be provided to the Vanuatu Cultural Centre before filming can commence. This fee may be modified or waived upon request.

c) Copies of **all** footage taken, including unedited portions (RUSH) and edited final products in broadcast-quality **SP-Betacam** or **DVC PRO**, must be deposited with the National Film Unit of the Vanuatu Cultural Centre. A financial deposit of **100 000 vatu** may be required to ensure compliance with this condition.

d) A representative of the Vanuatu Cultural Centre is required to accompany the film maker while shooting footage. This is primarily to ensure cultural sensitivity on the film maker's part, however the Cultural Centre representative can also assist the film maker and help generally to facilitate filming.

The Vanuatu Cultural Centre may modify or waive any of the above conditions. Failure to comply with these conditions may result in confiscation of filming equipment and footage.

Any queries or applications by foreign film makers to film in Vanuatu can be directed to:

**The Curator, National Film and Sound Unit, Vanuatu Cultural Centre, P.O. Box 184, Port Vila, Vanuatu.**

Tel: (678) 22129

Tel/Fax: (678) 26590

Email: vks@vanuatu.com.vu