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## COUNTDOWN TO OUR FUTURE

ESSAY

### The Pacific's cultural genocide

By Cresantia  
Koya-Vaka'uta

INSIDE

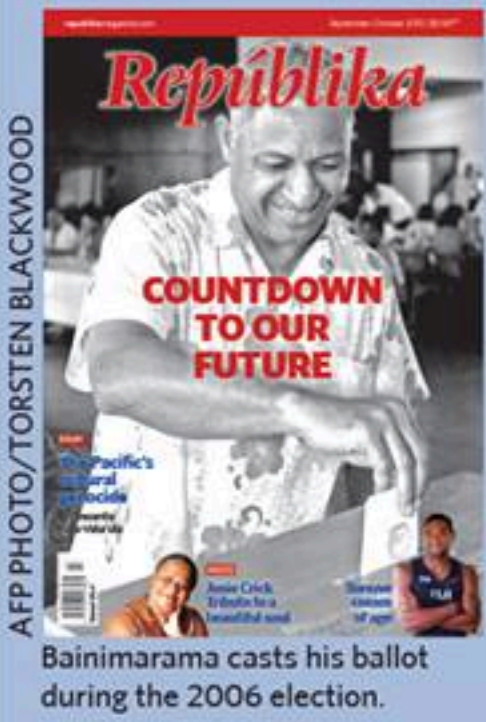
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Bainimarama casts his ballot during the 2006 election.

Fiji's fourth Constitution since independence 43 years ago has remade this country's political landscape. Aiming to rebuild the foundations of Fiji, Prime Minister

Comodore Voreqe

Bainimarama and his chief legal adviser Aiyaz Sayed-Khaiyum have fashioned a document they hope will end the coup culture. Key to this, they say, is a new electoral system based on the one-person, one-vote concept, along with the guarantee of socio-economic rights. We provide a critique of sections of the Constitution and what the new electoral system will look like.



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# The Pacific's cultural genocide

By CRESANTIA KOYA-VAKA'UTA

Indigenous communities around the world are falling victim to unscrupulous commercial practice that sees no harm in copyrighting various aspects of traditional knowledge to boost business sales. This has aroused concerns that what we are witnessing is a potential new wave of cultural genocide against which indigenous peoples have no protection.

It is not surprising that there is a growing fear that cultural loss is exacerbated by the new business culture which seeks to exploit and in most cases romanticise deeply spiritual cultural symbols. Within the cultural context, these symbols represent a closed sacred knowledge base that is meant to be accessed by select few who alone have the right to 'know' and 'use' this knowledge and related forms of cultural expression.

Article 7 of the UN Declaration on the Rights of Indigenous Peoples begins with the statement: "Indigenous people have the collective and individual right not to be subjected to ethnocide and genocide, including prevention of and redress for (a) any action which has the effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities."

The problem is that commercial entities are not interested in protecting cultural heritage. Their primary interests

lie in the potential to market a unique product that will rake in profit. After all, this is the main purpose of their existence. But is there a bigger ethical issue that needs to be addressed?

Like many Fijians, I was pleasantly surprised and proud at the announcement of the re-branded Fiji Airways decision to use traditional iTaukei designs on its new airplanes. The result was as promised, a design that was very Fijian and undeniably aesthetic. It soon became clear however, that not only did the airline wish to use these designs to market their new look but they also wanted to trademark the 15 individual motifs that were utilised in the winning logo competition submitted by a local *masi*-maker.

## Unasked questions

Concern arose among those who were aware of the lack of protective mechanisms and legislation in place to protect traditional knowledge. In this specific case, the indigenous producers of Fijian *tapa* (*masi*) who use these designs and their derivatives in their line of work. Trademarking also poses a problem for contemporary artists who may incorporate these motifs in their artwork and it sets a precedent for other commercial giants to do the same with other forms of cultural expression. Surprisingly, the questions that many failed to ask included: "how will this affect those for whom these designs hold meaning?" and "will cultural and creative producers be able to continue

Some Pacific islanders may not see the value of traditional knowledge in the coming globalised technological age, but the debate to protect and preserve indigenous ownership is far from over.

using these designs without having to seek permission or make payment in order to reproduce these images in the future?"

Equally problematic is the fact that if the airline chooses to pursue its trademark intention to international status, this would have wider repercussions for other Pacific island countries. Two examples are Tonga and Samoa, where some of these designs and their derivatives also feature in their *tapa* cloth – *siapo* in Samoa and *ngatu* in Tonga. In fact across all Pacific island cultural communities in which bark cloth is an important aspect of cultural heritage many design elements are shared. Trademarking would mean that Pacific island cultural and creative producers around the world would potentially now need to seek permission from the new 'owners' to use these symbols. Surely, the ethics of corporate social responsibility ought to extend to incapacitating the livelihoods and cultural practice of indigenous peoples.

The *kesakesa* case is not a stand-alone example. The well-known *bilum* was recently patented by a French bag making company. Ironically the 'bilum' company markets itself as an eco-ethical fashion producer drawing attention to the question of 'ethics' in its patenting of an indigenous form of cultural heritage. Despite negative responses, the company continues to operate under this name as seen on its official website: [www.bilum.fi](http://www.bilum.fi).

Just this year, movie giant Disney at-



**Dressing down** Nanette Lapore's so-called Aztec print top, retailing for more than \$1,500 bearing a *masi* print, below, recently drew the ire of Fijians and other Pacific islanders around the world at what they said was the appropriation of a cultural product. A similar version of the Lapore dress appeared in US Women's Health magazine, labelled 'African', prompted petitions and protests against Lapore by Pacific islanders in the US and online.

tempted to trademark the phrase "Dia de los Muertos" (Day of the Dead) in anticipation of an upcoming animation originally named *The Untitled Pixar Movie About Dia de los Muertos*. The movie giant intended to protect the title of the film as well as all of its affiliated merchandise but public outcry from the Mexican community predominantly on social media sites later influenced a withdrawal of the application and a subsequent change in title of the animation film. "Dia de los Muertos" is a traditional Mexican holiday that is held on All Saints and All Souls day each year (1-2 November) to commemorate those who have passed on. This begs the question, is there no end to what big businesses can claim to 'own'? And is any of our knowledge really safe?

Another older, perhaps better known Pacific island example, is the musical hit *Sweet Lullaby* by European music sensation Deep Forest in the 1990s. The song *Sweet Lullaby* is a direct derivative of a traditional Baegu lullaby from Rogowela in the Solomon Islands. The background to this is that the song was originally recorded by an ethnomusicologist Hugo Zemp in 1970 and added to the UNESCO musical sources collection. Funnily enough the original music video featured African children with no reference or acknowledgement of the community of origin or the singer Afunakwa whose voice is heard on the track.

The cultural insensitivity to try to 'own' traditional knowledge highlights

ignorance of the significance of cultural heritage symbols and their importance to cultural practice and memory. In the case of *tapa* production and use, each motif represents a historical marker, a form of text for cultural communities which did not have a form of written language. These oral cultures devised a unique way to communicate indigenous epistemologies or knowledge systems and their philosophies in a form of localised coding of the text. This was reinforced by means of repetitious use of specific meaningful designs in various forms of cultural expression.

When viewed in this way, we can see that all cultural heritage art forms are not merely "handicrafts", "folk art" or "primitive art" as previously labeled by the Colonial masters. Rather, they tell us something about the origins, histories, relationships and underlying belief systems of a cultural group.

Any Pacific islander will tell you that a *tapa* presented formally at a wedding, a funeral or chiefly installation that bears the image of tables, chairs, dogs and or a Christmas tree for example, would be inappropriate. This is commonsense. It should therefore, also be commonsense that the designs contained within a *tapa* hold meaning and purpose, and together with the specifications of the medium and the way by which it is presented and used, cumulatively represent an aspect of cultural heritage that is specific to a particular community.



LEFT: NANETTE LAPORE; RIGHT: WOMEN'S HEALTH

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What stands out in the international examples – with the exception of the *Día de las Muertas* case which took place in May of this year – is that even though they were initially considered newsworthy there is on-going discussion of these issues within the wider community about the potential for continued unscrupulous practice in the absence of legislative protection. For some reason, there is no real incentive to discuss the hardship that indigenous peoples face in the new era of big business culture of marketing, branding, copyrighting and money making. These are too often simply seen as the socio-cultural cost of economic development.

**Commodification of culture**

Closer to home, who could forget the numerous Samoan, Fijian and Tongan inspired *tapa* fabric and linoleum prints that are widely accessible and popular throughout the region. These China-made products do not bring any returns to the cultures of origin, nor do they acknowledge or understand the cultural significance of the motifs being mass produced.

Shopping at the vegetable market in Flagstaff, Suva, I noticed that the linoleum covering the makeshift shelving is markedly reminiscent of the Samoan *tatau* designs from the male tattoo – *Pe’u*. While the designs are not an exact replica, the overall colour, and design elements are undeniably an appropriation of the tattoo designs. The same prints have incidentally in the last five years begun to appear in Samoan *tapa* (*siapa*) bark cloth made and sold in Samoa itself which in all possibility inspired these new plastic floor coverings.

Those of us who chose to support the ‘copycat’ industry which feeds these cheap products into our markets are often driven by the desire to have something that looks Pacific in our homes. What we do not think about is the fact that we are actually feeding an external market that does not support or nurture our own locally made products and instead exploits local producers.

What is at stake is much more than just a few ‘pretty’ tribal designs that help sell a product or service. The real cultural cost is the commoditisation of culture as something that can be bought and sold. What is even more painful is the misrepresentation and misappropriation of spiritually cultural symbols.



**Whose marks?** In January, Fiji Airways applied to be registered the trademark owner of 15 *masi* motifs used in their corporate branding. The move caused an uproar and an effort was organised to oppose the application. Fiji Airways has not announced yet if the application was successful.

Cultural motifs should never be seen as mere decorative designs but rather as culturally significant markers of knowledge and identity. We must never lose sight of the importance of cultural expression. They connect us to place and provide the foundation of cultural identity. They are a language unto themselves, filled with meaning and spirituality that relates us to each other within and between communities and to our natural heritage – the land to which we are birthed.

Many of these designs are found in a range of cultural expression such as tattooing, weaving, sinnet lashing, carving and pottery. The earliest forms of these designs are actually found in Lapita across the Pacific. I personally had the good fortune to see a wide range of these on display at the Tonga National Cultural Centre Museum last year.

Of course, romanticisation and misrepresentation of Pacific culture is not new. Postcards from the early 19th century are a testimony to that, depicting women from the region in Western Renaissance style poses. Typically, these seminude images show topless women draped in bark cloth or fabrics with a flower behind the ear. For many outsiders, these images represented the laid back paradise of free love that challenged their conservative social standards at that time. I have yet to see a postcard from the early years of contact that showed women or men at work. That is, the actual reality of Pacific life.

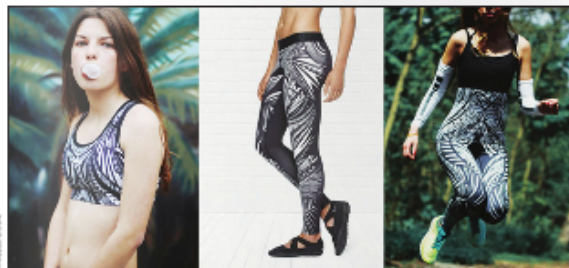
This romantic view of the Polynesian temptress is far from dead. This year, Nicole Scherzinger, a former Pussy

Cat Doll, was photographed for a coffee table book with the Maori male *taunga* (tattoo) inked in Henna on her buttock and thighs. That image created an on-line debate in which some saw the picture as a contemporary artistic portrayal, while others found it disrespectful to use specifically gendered traditional Maori symbols in that way.

**The urgency of protection**

Why should we protect cultural expression? Once ownership rights are held outside of the indigenous community, the new legal ‘owner’ can deny the right to use or reproduce any aspect of this information that is now ‘their property’. This would mean that members of the indigenous community who wish to earn a livelihood from that knowledge, such as *tapa* makers, traditional weavers, potters, or artists for example could now be required to seek written permission from the new owner to use their own cultural heritage because legally, they no longer have the right to use their own traditional knowledge.

On 15 June this year, the UN General Assembly issued a news release, announcing its post-2015 development agenda as the follow up to the Millennium Development Goals. The statement stresses the importance of culture to sustainable development. Secretary-General Ban Ki-moon is reported as saying: ‘Development has not always focused enough on people; we need to understand and embrace their culture. This means encouraging dialogue, listening to individual voices, and ensuring that culture and human rights inform



the new course for sustainable development. The fundamental role of culture was not fully acknowledged within the MDGs – as a goal, an overarching principle, or as an enabler.’ This development lens is not new although it has taken some time for culture to gain full recognition at this level of dialogue.

In the Pacific, we have seen some regional policy inroads over the past 20 years. One example is the 2002 Pacific Modal Law which was intended for Pacific island countries to use as a guide in the development of national legislature. Fiji has yet to formalise its own national legislature in this regard.

In the past two years, two critical policy guidelines have been endorsed by Pacific Island Forum Ministers – the Culture and Education Strategy (2010) and the Pacific Cultural Strategy (2012). These policy frameworks emphasise the importance of culture to sustainable development in the islands and for the cultural well-being and livelihoods of Pacific peoples.

Policy documents, no matter how well written or good the intentions are, do not bring about change. In truth, these will not stand up to commercial culture in the absence of rigorous national legislature and local mechanisms that work to deter the exploitation of our already vulnerable island communities. Does that mean we should give up? Should we simply allow the inevitable bullying of indigenous communities into relegating ownership rights to various forms of cultural expression to take place? Of course not! But how do we protect, promote and celebrate these symbols

without opening various aspects of closed, sacred knowledge to exploitation?

**No easy answers**

The answer is far from simple, but it begins with dialogue at the cultural community level between traditional leaders, owners of these forms of cultural expressions and the institutions that have been established to serve their interests. The absence of a legislative process which protects indigenous rights will only lead to cultural genocide. To be sure, the road ahead is fraught with many hurdles but one of the first steps would be to seek government intervention to restrict registration of traditional knowledge.

There also needs to be wider community awareness of the process by which to lodge a formal objection to an expression of interest for trademarking purposes. Legal language and process is not something that the average lone understands. And it is the everyday person practicing their own cultural identity and heritage who will be affected by such moves.

Our people need to be educated and empowered so that they can find voice. Indigenous communities should reserve the right to own all aspects of their own cultural heritage and traditional knowledge, not for a specified period of time as in international intellectual property rights, but for time immemorial.

Indigenous knowledge must remain the property of indigenous communities and any attempt to take this right away must be unequivocally resisted.

As one irate Facebook user writes: ‘Celebrate culture. Don’t exploit it.’

**Not nice Nike** In late July the top sport brand released women’s leggings that it called Nike Pro Tutuo Tech which the company’s blog reported was ‘aesthetically informed by the indigenous groups’ of Fiji, Samoa and New Zealand. There was an outcry, especially from Samoans who pointed out that not only was Nike appropriating the Samoan *Pe’a* pattern that is rarely seen non-Samoans, but it used the pattern on women’s clothing when it is only applied to men. Two weeks later Nike removed the rights from outlets and apologised for causing offence which it said was not intended.

Incidentally, Cultural Genocide (also: Culturecide or deculturation) is defined by Stuart Stein in the Encyclopedia of Race and Ethnic Studies (edited by Ellis Cashmore) as: ‘processes that have usually been purposely introduced that result in the decline and demise of a culture, with necessarily resulting in the physical destruction of its bearers.’ By this definition, giving a third party the right to own cultural knowledge which deprives the cultural community of its use and continued forms of expression is cultural genocide.

To be sure, commercial entities do not set out to deliberately impose cultural genocide on indigenous communities. Rather, it would appear that the insatiable quest for marketing and profit means that culture is exoticised and commoditised.

A practical solution would be cultural sensitisation, an orientation programme if you will, much like the gender sensitisation that women’s groups advocate. This cultural orientation will be critical to changing the mindset about the importance of culture to indigenous communities and the need to protect their identities in a shrinking globalised world that promotes a universalism that threatens the very core of who we are, where we are and what is important to us.

Cultural exploitation is the greatest form of disrespect. It is an atrocity and should not be tolerated.

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