

ISSUES

Debbie David

Issues under Consideration

Key Policy Considerations:-

- Subject Matter WHAT
- Beneficiaries WHO
- Objectives WHY
- Scope of Rights WHICH RIGHTS
- Exceptions/Limitations -

HOW DOES THIS APPLY TO TCEs IN ASEAN?

What?

- TCEs are Traditional Cultural Expressions, also known as expressions of folklore
- What should qualify as TCEs?
 - music, dance, art, designs, names, signs and symbols, performances, ceremonies, architectural forms, handicrafts and narratives

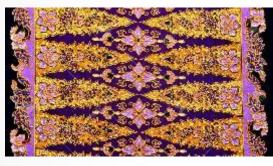
What?

Examples:

- Ngajat (culture dance of the Iban from Malaysia)
- Khon (Thai classical dance)
- Batik designs from Malaysia and Indonesia



Iban Ngajat Dance



Batik



Thai Khon Dance

Who?

- TCE's are important to the cultural and social identities of indigenous and local communities
- For whose benefit should TCEs be protected?
 - The indigenous and local communities
 - In the long run, it will benefit the larger economy as well

Who?

A Malaysian example:

- Initiatives that have helped the economy and recognition of indigenous communities
 - Mah Meri Women's Weave Initiative
 - https://www.thestar.com.my/news/nation/2017/06/14/simple-orang-asli-housewife-turns-living-legend/
 - Penan Women's Project
 - http://penanwomenproject.org/products/



Who?





Why?

- Objectives
- Why should TCEs be protected? For what purpose?
 - Misappropriation of TCEs happen when it is not correctly identified and protected

Why?

- Examples of cultural assets claimed by other countries/brands:
 - Batik Adidas
 - Rendang Holland
 - Jepara Graving France
 - Tempe Thailand
 - Bali silver craft America

Which Rights?

- Scope of Rights
- Which rights should attach to TCEs?
 - IP rights: Trademark, Geographical Indications
 - New laws or Acts
 - Government initiatives

Which Rights?

Examples from Asia

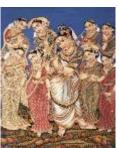
- OVOP (One Village One Product) initiative: requires people to take up a product or industry distinctive to their region and cultivate it into a nationally and globally accepted one, which reflects the pride of the local culture
 - Malaysia: Satu Kampung Satu Produk
 - Philippines: One Barangay, One Product
 - Indonesia: Back to Village
 - · Thailand: One Tambon, One Product
- India: uses GI as protection for their handicraft and art
 - Pochampalli Ikat, Kotpad Handloom fabric, Mysore silk, Kullu Shawls, Channapatna toys and dolls, Kasuti Embriodery, Orrisa Ikat, Mysore Traditional Paintings



Pochampalli Ikat



Kullu Shawl



Mysore Traditional Painting



Channapatna Dolls

Which Rights?

- Malaysia
- National Heritage Act (2005) which preserves cultural heritage.
 - Preservation
 - Beneficiaries? Enforcement?
- Among the TCEs designated as national heritage:
 - Adat mandi anak Iban (Bath rituals for the Iban baby)
 - Petudui culture (marriage culture of the Melanau)
 - Sogit (compensation culture of the Kadazandusuns)
 - Sumazau (cultural dance of the Kadazandusuns)

Exceptions/Limitations?

- Among difficulties faced is amalgamation of the cultures of SEA
 - Can we draw a line? What goes where?
 - Batik
 - Food Wars
- Origin of rights
 - History & culture
 - Eg: Rendang claims by Holland







Singapore's move to get Unesco recognition

for its hawker culture starts food fight with

Malaysia

Exceptions/Limitations?

