

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 Embroidery, 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



Forget Malaysia-Singapore food war over cendol because Indonesia has more of it

NATION
Wednesday, 5 Dec 2018
11:09 AM MYT



Exceptions/Limitations?

The screenshot shows a news article on the Malay Mail website. The article is titled "Malaysians react as Netflix snubs Malaysia in new series on Asian street food" and was published on 11 April 2019. The article discusses the Netflix series "Street Food Asia" and notes that Malaysia was not included in the series, despite being a major street food destination. The article includes a video player for the series and a sidebar with related news items.

HOME MALAYSIA WORLD MONEY LIFE EAT/DRINK SHOWBIZ OPINION SPORTS TECH/GADGETS DRIVE

HOME | SHOWBIZ

Malaysians react as Netflix snubs Malaysia in new series on Asian street food

Published 1 week ago on 11 April 2019
By Tan Mei Zi

STREET FOOD ASIA

Netflix

However, there was no mention of Malaysia in the nearly two-minute long video.

NETFLIX

JUST IN POPULAR

- Professional gambler raking in the cash on 'Singapore'
- 'It is sweet': Briney Spears reassures fans over medical health
- R. Kelly's accuser wins judgment in suit; singer failed to answer
- Dionys's 'Avengers: Endgame' sets opening day record in China

3:37 AM
25/4/2019

