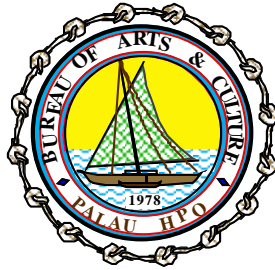


**REGULATIONS REGARDING PALAU  
CULTURAL AND HISTORICAL ARTIFACTS**



BUREAU OF ARTS AND CULTURE/  
HISTORIC PRESERVATION OFFICE  
MINISTRY OF COMMUNITY AND CULTURAL AFFAIRS  
REPUBLIC OF PALAU  
2005



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## **TABLE OF PROVISIONS**

### **PART I - GENERAL PROVISION**

- 1.1 Short Title
- 1.2 Authority
- 1.3 Effective Date
- 1.4 Purpose
- 1.5 Definitions

### **PART II - COVERAGE AND BASIC PRESUMPTION**

- 2.1 Scope of Authority
- 2.2 Priority

### **PART III - PROCESS FOR REMOVING ARTIFACT FROM A SITE**

- 3.1 - Ownership
  - 3.1.1 Land and water controlled by the National and its political subdivision
  - 3.1.2 Land and water controlled by the states
  - 3.1.3 Land owned by individuals
    - 3.1.3a Non Registered Site
    - 3.1.3b Registered Site
- 3.2 – Form

### **PART IV – PENALTIES**

### **PART V - DISPOSITION OF ARTIFACTS**

## **PART I      GENERAL PROVISION**

### **1.1 Short Title**

This regulation may be cited as Regulation Regarding Palau artifacts

### **1.2 Authority**

In accordance with Palau National Code, Title 19, Section 131 (o) and 6 PNC § 125, the Director of the Bureau of Arts and Culture adopt this regulation for the Regulation Regarding Palau Cultural and Historical Artifacts.

### **1.3 Effective Date**

The Regulations Regarding Palau Cultural and Historical Artifacts shall take effect with the approval of the President of the Republic of Palau sixty (60) days after the date of the Director of the Bureau of Arts and Culture publishes the regulation for public comments, in accordance with 6 PNC § 127.

### **1.4 Purpose**

Artifacts constitute an important part of tangible cultural properties. This regulation is to preserve and protect cultural resources from undue destruction by removing artifacts from the site and or taking the artifacts outside of the Republic of Palau. This regulation provides framework for the Director of the Bureau of Arts and Culture to initiate the consultation process which will ultimately determine how the artifacts are to be treated and protected.

### **1.5 Definitions**

The following definitions shall apply in the interpretation and enforcement of the provision of these regulations:

1. Artifact - means any portable object modified or used by the people. Examples of artifacts include pottery, stone tools, shell tools, bone tools, flakes, and other portable man-made objects
2. BAC – means Bureau of Arts and Culture
3. Board – means Palau Historical and Cultural Advisory Board
4. Director – means Director of Bureau of Arts and Culture
5. Historians – means any of the 16 members of the Society of Historians
6. Intangible property – means aspects and manifestations of traditional Palauan culture, including music, dance, art, skills employed in applied arts, storytelling and similar activities.
7. Political sub-division – means states, board, commission and semi government agency
8. Site – means locations containing structures, buildings or objects or an area significant to Palau culture and history and any archaeological feature.
9. Tangible property – means those objects, living or non living which are manifestations of a part of traditional Palauan culture, and includes any objects of fine and applied art, archaeological specimens and particular animals or plants.

10. Collector – means person who had removed and/or collected artifact from the site and/or having in his/her possession artifact without proper authorization.

## **PART II      COVERAGE AND BASIC PRESUMPTION**

### **2.1 Scope of Authority**

This regulation applies to national, state and privately owned land, in accordance with subchapter III and IV and VI of PNC Title 19.

### **2.2 Priority**

All artifacts are presumed to be parts of a site and of significance to Palau culture and history and preferably should be left *in situ*. The preservation of the artifact *in situ* is of the higher priority than any scientific or commercial consideration because artifacts are important contributions to our living culture, understanding and appreciation of Palau culture and history.

## **PART III      PROCESS FOR REMOVING ARTIFACT FROM A SITE**

Removal of artifacts from any site without proper documentation is considered adverse effect to a site if it's not mitigated.

### **3.1 Ownership**

3.1.1 Land and water controlled by the National and its political subdivisions  
All artifacts within land and water controlled by the National and its political subdivision shall be vested under the Bureau of Arts and Culture. No artifacts shall be taken, relocated, retouched or modified from the site or tangible cultural property without a permit from the Bureau.

3.1.2 Land and water controlled by the states  
All artifacts within land and water controlled by the state shall be vested under each state. No artifacts shall be taken, relocated, retouched or modified from the site or tangible cultural properties without a permit from the governor and/or the chiefs of the village and concurrence from the Bureau.

#### 3.1.3 Land owned by individuals

##### 3.1.3a Non Registered Site

All artifacts within land and water controlled or owned by individuals are owned by the individuals and artifacts taken from the private land shall have to get a permission from the landowner. However, artifacts are an important part of a site and Palauan heritage and BAC under the authority of Title 19, Section (o) and its obligation under Title 19 Section (d) will require that any artifact removed from a privately owned land allow BAC to consult with the landowner and document the artifact *in situ* where possible before its removal. However, should a removal of artifact will have adverse effect to a site the developer shall be responsible to mitigate the effect

### 3.1.3b Registered Site

The sites listed in the Palau Register of Historic Places are highly significant sites in Palau and are protected under Title 19. No artifact shall be removed from the site without a permit from BAC office.

### 3.2 Form

Letter of consent from landowner

Repository (in Palau and outside of Palau)

Agreement for the Temporary Curation of Artifacts and Records

Agreement for the Disposition of Human Remains in the Republic of Palau

Regulations regarding the Treatment and Disposition of Human Remains and Burial Furnishings

## **PART IV PENALTIES**

Pursuant to Title 19, Subchapter IV, Section 157, Subchapter V, Section 181, the following penalties may be imposed for any violation of the laws or of these regulations:

- a. Any person who violates the provisions of Title 19 or this regulations may be fined \$1000 for each day of each separate offense;
- b. For each loss or damage to the site and/or artifact, the violator shall be fined an additional amount determined by the court to be equivalent to the value of the lost or damage to a site and/or the artifact;
- c. Each day of continued violation shall constitute a separate offense for which the offender may be punished
- d. All artifacts shall be forfeit to BAC for temporary custody of Bureau of Arts and Culture who with the assistance from AG's office will determine the appropriate action to be taken.
- e. Failure of museum and other cultural, scientific or educational institutions that come into possession of artifact to consult with the HPO regarding their disposition will be subject to same fine.

## **PART V DISPOSITION OF ARTIFACTS**

Pursuant to Title 19 Section 133, Bureau of Arts and Culture shall serve as, or shall determine the repository for all artifacts.