

**Final Report of the Regional Seminar on the Promotion of the Convention
for the Safeguarding of the Intangible Cultural Heritage
for Europe and North America
Kazan, Russian Federation
15-17 December 2004**

1. Opening session

The meeting was opened by a welcome speech pronounced by Mr Kamil Iskhakov, Mayor of the City of Kazan, who chaired the opening session. His speech was followed by contributions from Ms Zilia Valeeva, Vice Prime Minister of the Republic of Tatarstan on behalf of Mr Shaimiev, President of the Republic of Tatarstan; from Ms Mehriban Aliyeva, First Lady of Azerbaijan and Goodwill Ambassador of UNESCO for oral and musical traditions; from Mr Grigori Ordzhonikidze, Secretary-General of the National Commission for UNESCO of the Russian Federation; from Mr Polad Biulbul oglu, Director-General of TURKSOI and Minister of Culture of Azerbaijan; and from Ms Elena Drapeko, Deputy Chair of the Committee on Culture of the State Duma of the Russian Federation. On the UNESCO side, introductory speeches were delivered by Mr Philippe Quéau, Director of the UNESCO Office in Moscow, by Mr Rieks Smeets, Chief of the Intangible Heritage Section and by Mr Guido Carducci, Chief of the International Standards Section.

2. First session: Safeguarding of the Intangible Cultural Heritage

The first session was chaired by Mr Yuri Gur'yanov (Russian Federation). The meeting started with a presentation by Mr Rieks Smeets who mainly spoke about the definition of ICH as used for the purposes of the 2003 Convention. He first presented the five domains in which ICH is manifested that are mentioned in the non-exhaustive list presented in article 2.2 of the Convention. He then commented upon the descriptive part of the definition as given in article 2.1, highlighting the role given in this definition to communities and groups when it comes to defining elements of the ICH. He also stressed the importance of inventory-making as stipulated in article 12 of the Convention. He pointed out that several countries had already started drawing up inventories and the approaches adopted by the States were quite different, some of them starting from a regional approach, others from communities and again others from domains of ICH. The UNESCO Secretariat will soon be collecting and distributing these experiences. He stressed that one of the obligations of the future Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage will be the drafting, (as foreseen in article 7 of the Convention) for approval by the General Assembly of States Parties, of a set of operational directives that will guide the practical implementation of the 2003 Convention.

3. First session (continued)

The session continued in the afternoon with a presentation by Ms Françoise Girard on the history of the 2003 Convention, starting from a proposal of Bolivia in 1973, passing by the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore, and finally dealing with the expert and intergovernmental meetings which led to the adoption of the 2003 Convention.

Mr Smeets spoke about the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity programme, indicating the procedures and criteria in use. He explained how the experiences gained from this programme, especially through the implementation of action plans for the safeguarding of Masterpieces, may facilitate the implementation of the Convention. He also spoke about the future destiny of the Proclamation programme, which will come to an end after the entry into force of the 2003 Convention. According to article 31 of the Convention, proclaimed Masterpieces located in States Parties to this Convention will be integrated into the Representative List of the Intangible Cultural Heritage of Humanity that is foreseen in article 16 of the Convention. After this, a video highlighting a number of Masterpieces was shown.

Mr Smeets then spoke about relations between intangible and tangible cultural heritage. He also mentioned that a large part of the ICH does not need a specific location to be enacted and that a considerable part of the tangible heritage is not directly associated with intangible heritage as understood by the 2003 Convention.

4. First session: questions

The first session was followed by questions concerning, among others:

- safeguarding actions by States Parties before the entry into force of the Convention (the convention is not binding until its entry into force);
- the possibility to amend the Convention (extremely difficult, a procedure is foreseen under article 38);
- the requirement of conformity of ICH to be safeguarded under this Convention with existing international human rights instruments;
- the elaboration of criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity foreseen under article 16 by the future Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage;
- international cooperation in the (frequent) case of ICH located on the territory of more than one State;
- the identification of communities and of persons or organizations representative of them;
- the primacy of States vis-à-vis groups and communities in dealing with safeguarding of ICH as far as the implementation of the Convention is concerned;
- the incorporation of proclaimed Masterpieces of the Oral and Intangible Heritage of Humanity, present on the territory of States Parties to the Convention, in the Representative List by the future Intergovernmental Committee;
- the future of the Proclamation programme;
- the significance of the terms “ratification”, “acceptance” and “approval” as used in article 32 (which have the same meaning but are used according to national practice);
- the collection and distribution of best practices in the field of safeguarding activities;
- relations between commercial activities and intangible cultural heritage.

5. Second session: contribution of experts

The second session of the first day was chaired by Mr Oskar Elschek (Slovakia). Professor Christoph Wulf spoke about the transmission and learning of intangible cultural heritage, elaborating on the following topics: (1) the human body as the medium *par excellence* for the manifestation of the ICH; (2) the performative character of ICH; (3) mimetic learning processes; (4) otherness: sensitization of people to cultural heterogeneity is indispensable to the safeguarding of cultural diversity; (5) the need for intercultural and transcultural education; and (6) the need for further research in anthropology, understood as philosophical, historical and cultural anthropology.

Professor Adrienne Kaeppler presented her experience about the Lakalaka, an oral genre involving poetry, music and dance developed in Tonga, which was proclaimed a Masterpiece in 2003. She explained that the Lakalaka is endangered due to such factors as migration and European and Asian influences, and that until recently no measures necessary for safeguarding and revitalization had been taken. She stressed the importance of the Lakalaka not only for the identity of the Tongan people but also as a source of information about the history and important places and natural features of the country. She also evoked positive impacts experienced by the proclamation of the Lakalaka as a Masterpiece.

Questions following this session concerned the relevance for countries of Europe and North America of the anthropological analysis that had been presented, as well as the involvement of youth in the practice of Lakalaka and the voluntary participation of large groups of people in the ceremonies.

6. Third session: the state of protection of the intangible cultural heritage in Europe and Northern America

The third session started in the morning of the second day of the meeting and was chaired by Ms Arlette Thys (Belgium). During this session, the participants presented the state-of-the-art concerning the safeguarding of ICH in 24 countries. Some countries mentioned the existence of legal protection for their intangible cultural heritage. An overview was also given of institutions dealing with the safeguarding of the ICH and of inventories listing elements of the ICH. An Organization of the World Heritage Cities expert on intangible heritage expressed full support for the Convention and called upon participating countries to ratify the Convention. Positive effects of the Proclamation of Masterpieces were mentioned by several participants. One participant evoked discussions in his country concerning the danger that safeguarding might lead to freezing ICH, whereas another participant informed the meeting that in his country some experts held the opinion that the Convention does not provide enough indication for its implementation. Some 10 participants mentioned that in their country processes of ratification, or the preparation thereof, have been started.

7. Fourth session: Legal aspects of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage

The fourth session was chaired by Mr Philippe Quéau, Director of the UNESCO Office in Moscow. Mr Carducci covered numerous legal issues related to the Convention: the definition of ICH developed for the purpose of this Convention; the position taken vis-a-vis copyright law issues; the balance between national and international safeguarding; the two lists system; the reasons why and the ways how to ratify. Analogies and differences between the 2003 Convention and other relevant UNESCO instruments, such as the 1972 Convention and the 1989 Recommendation, were also considered. Mr Carducci stressed the importance of a complete and accurately drafted national legislation for the protection of cultural heritage.

The questions following his presentation focused on the membership, the election and the mandate of the future Intergovernmental Committee of the Safeguarding of the Intangible Cultural Heritage, for instance, when membership and election are concerned, in terms of rotation and geographical distribution.

8. Fifth session: closing session

During the fifth session, which was held in the morning of the third day of the meeting and chaired by Mr Gur'yanov, a final debate took place and a report was presented and adopted. At the end of the debates, the participants concluded that the meeting had been of great importance as a means of information, for exchange of views and for the promotion of the safeguarding of ICH in general and for the promotion of the Convention in particular. They therefore decided to formulate the following recommendations to all relevant institutions in Europe and North America:

- to reinforce safeguarding actions in the field of intangible cultural heritage;
- to stimulate regional and sub-regional co-operation at the level of research institutions, non-governmental organizations and other institutions in charge of intangible cultural heritage;
- to ratify the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage or to start studying the possibilities for ratification.