

COMMENTS ON THE TEXTS

ITH/O6/1.COM/CONF.204/5 Preparation of the texts required for the implementation of the Convention

Chapter 5. Monitoring and reports. Due to the fact that this chapter shall gather the follow-up of the actions and commitments established by Party States, the name of the chapter should specify both its substantive and political nature. Maybe *"Follow-up of the Instrumentation of the Convention by Party States"*

5.1 Periodicity and formats for the submit of reports about measures taken for the implementation of the Convention (Articles 7 (f) and 29) and Article 11

Chapter 6. Advisory organisations:

We express our concern about the fact that NGO's will become the main quality interlocutors of the Committee even before instances that may gather creators and bearers along with scholars and practitioners. They should be considered not only as external organisms but also as an alive support for the ICH although, due to their nature, they are not constituted in a settled way.

Not only a permanent advisory body, but also an "ad hoc" to the themes one shall be taken into account within the geographical representation criteria. It is also important that organisms near to the study of ICH are involved in the process of being incorporated within such criteria.

ITH/06/01.COM/CONF.204/6 Advisory Assistance to the Committee.

It's important that non-governmental organizations be incorporated as soon as possible since it will guarantee the transparence and the incorporation of different approaches from those of the practitioners and governmental representatives.

Criteria for the incorporation of non-governmental organizations:

- Close work with the community and creators
- Successful experiences in the implementation of safeguarding actions
- Contribution by means of development and strengthening of any cultural expression and enhancement of the life conditions of creators and bearers
- Defined thematic and specified geographical covering
- Work under auto-management principles, that is to say, that their policies and philosophy reflect the importance of strengthening of auto management principles.

- Achievement of certain representative level, it is not mandatory that NGOs be settled in order to allow the participation of certain indigenous peoples organizations.
- Consideration of the geographical representation principle when selecting the organisms.

ITH/06/1.COM.CONF.204/7 Criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity.

- i) *Belong to one or more fields listed on the Article 2.2 of the Convention.* Its is certain that “objects, artefacts and cultural spaces” are part of the collective processes and that by means of them the ICH is created and transmitted; thus, their isolated preservation from ICH prevents them of being appraised.

Transmission processes are made up in a group of social practices that encompass broad fields such as corn culture and regional cuisines.

- ii) *Being compatible with the international instruments about human rights and with the requirements of reciprocal respect and sustainable development.*

“The nominations submitted must convince the Committee of the fact that their nomination is not an obstacle for the involved group or community development in economic, ecological or social terms. The amends to the proposed issues, or to the lists, about sustainable community or group development or about environment, must be clear.”

This fact could be interpreted as if culture was an obstacle for development, therefore, we deem appropriate to understand the concept of whole human development mentioned in the Report of the World Commission of Culture and Development: “Our Creative Diversity” and clarify the concept of human development therein mentioned.

- iii) *Being acknowledged by the community, group or, if appropriate, by the involved individuals as a part of their cultural heritage.*

It will be necessary that the mechanisms for this acknowledgment be established and be explicit, independently that it is considered the fact that the joint appraisal of criteria iv, v and vi could be an indicator of this acknowledgement.

In the case of México, an encouragement of statements has been deemed, by means of municipal authorities, municipal councils, and in municipalities and places that are ruled by a use and costume system, statements by the traditional governments and authorities.

Comments solicited by the 1st Intangible Heritage Committee: MEXICO

- iv) *Provide the community or group with an identity and continuity sense, based upon shared experience and collective memory*
- v) *Being deeply rooted to the community or group in which it has been constantly transmitted and recreated*

The phrase *deeply rooted in the community* does not say anything about the way in which any expression or costume lingers.

The phrase *“transmitted throughout the generations”* **emphasizes** in the heritage transmits ability and refers to the ways in which transmission is done and could be guaranteed. In the means of transmissions we can identify or discover the continuity crises produced in a cultural system and the way in which a custom lingers, according with the definition of the Convention.

- vi) *Bring out the cultural diversity of the listed ICH, by reflecting the world cultural diversity y and by testifying human creativity*

The fact that similar elements of the ICH are reproduced can make people realize about the universality degree of it. Nonetheless the elements that could be considered as a repetition can only be an apparent one since the concepts in which it is made can have different cultural implications. The concept of human creativity is very difficult to define.

- vii) *Being proposed in a free way, previously and with the express consent of the community, group or, if appropriate, of the involved individuals.*

- viii) *The participation of the community, group or, if appropriate, of the involved individuals must be proposed in the different stages of identification, definition, documentation and appointment.*

We agree with the position according to which those aspects of ICH considered as sacred or secret could be documented, listed and promoted only with the express consent of the community, group or, if appropriate, of the involved individuals. However, they could be documented but not included in promotion actions, (subjected to the cultural impact study of the statement or the good incorporation), since it can expose it to an automatic risk.

- ix) *To have been identified and defined and to be currently included in the inventory of the present ITC of the proposing States parties.*

**Comments solicited by the 1st Intangible Heritage Committee:
MEXICO**

- x) *Be safeguarded effectively by means of its mechanisms and appropriate measures, it can be safeguarded effectively by means of a feasible safeguarding plan.*

In Mexico's notification it is deemed pertinent to count with a safeguarding plan arisen of the own community and also to identify the authorities in the governmental levels that should be involved in the safeguarding.

RELATED ISSUES

CRITERIA FOR THE URGENT LIST

Related to the expert's comments about the fact that any work that not qualifies for the representative list should be considered in the Urgent list, we consider these criteria as inconvenient. Any ITC expression is important and could be in a risky situation for a determined group in any territory, although this expression is not necessarily representative of the ICH of a country or of the Humanity.

Attachments:

I. Notification for the making up of the list of intangible cultural heritage that requires urgent safeguarding measures in Mexico. (Annex II). General criteria were among others (some contained in the work text ITH/06/1.COM.CONF.204/7 Criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity).

Considerations:

1. The ICH cannot be safeguarded without the express engagement of its bearers and their community.
2. The ICH is important as it contributes to the development and the revitalization of the everyday life of the town, community or group
3. Article 2 of the Constitution in its paragraph B section IX establishes the obligations of the governmental levels (federal, state and municipal) of making inquires and incorporate the recommendations and proposals made by the peoples to development plans and programs.
4. Records, inventories and lists are an opportunity to identify problems, scarcities, needs, and opportunities of economic growing and social development.
5. Records, inventories and lists must be the first indicator of intellectual heritage, that has to be regulated in the frame of copyright, industrial property, trademark technique, patent, design, appellate models of origin, practical knowledge and manufacturing secrets of the peoples, artistic and literary masterpieces works of handcrafted and popular origin, from social groups especially the ones that insist on the value of the use of its own languages, land and culture including the access and appropriation of

**Comments solicited by the 1st Intangible Heritage Committee:
MEXICO**

natural resources as a source of wealth and as a basis of a sustainable economic development, as established in the Mexican Constitution paragraph A section IV, the Oaxaca's constitution in its 12th Article and the Article 13th of Chiapas constitution, among others.

6. Records, inventories and lists shall be considered an instrument of people, communities and groups must control socially the identified cultural goods for its safeguarding and not with other purposes.
7. Records, inventories and lists shall consider regionalization criteria in virtue of the great diversity of Mexico and must be allocated to defined and particular social groups.

Communities, groups and individuals

We agree in the fact that definition has to be put off for later on while the states analyse and make a system of their own experience.

The involvement of groups and communities in the inventory-making and identification processes is a priority since they are bearers but also "owners" of ICH and because making an inventory and a record gives them a clearer heritage and value connotation. As a result, they have to defend shelter and safeguard the ICH.

Representativeness

The reflection about representativeness and the criteria for defining it either in the national or international field turns out to be difficult when it comes to make a selection of goods in societies that are not leaded any more by a national state with one national culture, by means of which it recognised, but by a highly different pluriethnic and pluricultural state. It is less evident if there is an attempt to decide about the inclusion or elimination of certain elements according to representativity that is with no doubt a way of establishing certain preference and of unwillingly introducing a hierarchy nuance. Ideally, in the field of culture there is place for consensus and it is taken for granted; nevertheless, culture is most of the times a privilege field for political dispute. In fact, to prevent that representativeness becomes a perpetuity attribute, the inclusion of the goods must be done in such a way that it reflects the reality of the situation in the national stage, since it can change depending on its original contexts.

National Representative Lists

Mexican Constitution establishes in its 1st Article the prohibition towards all kind of discrimination, and in its 2nd Article acknowledges its pluricultural composition sustained in the indigenous peoples. Before this acknowledgement and in order that peoples communities and groups be represented and recognised, México has considered the regionalization criteria for the making-up of this list, by

**Comments solicited by the 1st Intangible Heritage Committee:
MEXICO**

understanding, as experts say, that this will make easier the process of defining all Mexican proposals to the UNESCO.

List and record for the representative elements of the ICH of the Humanity

It's no pleasant to adduce the costs of a monitoring system for the restraining the annual number of applications.

The possibility of "erosion, freezing, or losing a function of a ICH element by a high level of exposure, frequent presentations for not begun audiences or presentations outside from the normal spaces or temporary stage" is understood as if by promotion or disseminating it is overcome by means of a cultural impact study the group defines the register and documentation but not the record or also the limiting the promotion and dissemination actions. We do not deem that this consideration should establish a limited number of applications.

What implications would have the missing of some elements in the representative list?