Implementing the Convention   
for the Safeguarding of the Intangible Cultural Heritage   
at the national level

Training and capacity-building materials for a five-day workshop

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# IMP 5.0 Workshop overview

**Purpose of the course**

This course is intended to assist participants in acquiring a broad understanding of the possible activities involved in implementing UNESCO’s Convention for the Safeguarding of the Intangible Cultural Heritage (ICH). Participants will be representatives from governmental and non-governmental organizations, institutions and communities and other experts from countries that have ratified the Convention. Usually, the course will be focused on implementing the Convention in a single country and participants will be chosen from that country.

On completing the course participants will understand the Convention and its Operational Directives, what obligations States take on when ratifying the Convention, and possible ways of implementing it.

**An outline of the course**

There are four main parts to the course:

1. Introduction to the Convention and its key concepts (sessions 5.2 and 5.3);
2. An overview of who can do what in implementing the Convention (session 5.4);
3. Detailed discussions about implementation activities (sessions 5.5 to 5.13); and
4. Conclusions and evaluation (sessions 5.14 and 5.15).

**Part 1: Introduction to the Convention**

The course begins with introducing the participants to each other, and situating the course in their own context (5.1). Then two sessions provide an overview of the Convention for Safeguarding the Intangible Heritage (5.2), and its concepts (5.3). The course encourages participants to relate the Convention’s principles and concepts to their own situation. They are asked for example what words might be used locally to refer to intangible heritage or other concepts used in the Convention.

### Part 2: Who can do what in implementing the Convention

Session 5.4 provides an overall review of what States Parties, communities, NGOs etc. can do to safeguard the ICH present in the territory of the State. It sets up a framework for the rest of the course.

**Part 3: Implementing the Convention**

The course will explain how States Parties may go about implementing the Convention at the national level. There are some general principles behind the Convention that should guide its implementation. However, because the Convention is so young, and because ICH covers vast domains of social, cultural and creative activity, there are many aspects to the implementation of the Convention that are still subject to considerable debate and discussion. Fortunately, the governing organs of the Convention have developed Operational Directives that guide many aspects of the implementation thereof.

For many challenges facing States Parties when they start implementing this Convention there are no generic solutions, in view of the variety of safeguarding contexts and ICH practised in different parts of the world, and the different perspectives of communities and experts.

Although States Parties take on certain obligations under the Convention, mainly operational ones at a national level and administrative ones at an international level, the Convention gives States Parties considerable leeway to decide how certain activities are undertaken (such as inventorying and community participation), and how certain concepts are defined (such as communities concerned, the ICH domains mentioned in Article 2.1 and safeguarding measures mentioned in Article 2.3).

The Convention and its Operational Directives assign very important roles to the communities, groups and individuals who create, enact, develop and transmit the ICH; they have to participate in all activities concerning their ICH organized under this Convention. They should therefore also be enabled to participate in interpreting certain aspects of the Convention when their ICH is at stake. Community participation in this process is discussed in session 5.7.

**Part 4: Conclusions and evaluation**

The participants should be given an opportunity to discuss challenging questions in the Concluding session (5.14) – these may be based on the Multiple Choice Questions (Hand-out 5.14). They should lead to further discussion on basic principles behind the Convention. The participants should be encouraged to use this session to reflect on the implementation of the Convention in their own country.

Finally, the participants will evaluate the course (session 5.15).

The participants should leave the course with a clear idea of what the Convention is about, what obligations States take on when ratifying the Convention, and how their State may implement the Convention in a way that may be beneficial to all stakeholders.

**Preparing for the workshop**

Facilitators will be given one or two weeks to prepare themselves for presenting the course, and, as a rule, two facilitators will be contracted to give a five-day course. Facilitators should ensure that they are familiar with the heritage-related issues and policies in the country (or countries) that the course will focus on. The facilitators should ensure that they understand something about the intangible heritage in the country (or countries), and their intangible heritage-related policies and legislation, if any.

Facilitators should feel free to adapt the course to the interests and the level of preparation of the participants and to add examples from the local, national or regional context of the participants. Facilitators may also replace the examples given here with their own examples. The timetable is simply a recommendation; the facilitator should feel free to adapt it, while trying to ensure that all elements presented in the course are covered.

Organizers will need to ensure that a suitably large venue is arranged for the workshop. It would be necessary to ensure there is access to a computer and data projector, preferably with the option of showing video excerpts, but this is not essential.

Facilitators may circulate worksheet 5.1 to participants at least three weeks before the workshop commences, and remind them to bring the completed worksheet with them. Additional blank worksheets should be provided to them on arrival in case they have not done so.

The country (or countries) represented in the workshop will benefit most from the workshop if the representatives participating in it are going to be personally involved in implementation of the Convention. Ideally, they would have finished secondary school and be able to speak and write adequately in the language of instruction. Verbal fluency is more essential for engaging in the course than written fluency.

**The materials provided for the course**

Facilitators are provided with an extensive amount of material to use and if necessary, adapt for this course:

1. Timetable
2. Hand-outs
3. PowerPoint presentations
4. Narratives
5. Lesson plans
6. Facilitators’ notes

Only the first four categories of materials should be given to participants, along with any other supporting materials such as the texts of the Convention and the Operational Directives. The texts of the Convention and the Operational Directives will be frequently used during this course.

The hand-outs are numbered according to the session in which they are first required, but some of them may be used a number of times during the workshop.

The PowerPoint presentations can be printed and handed out as an aide memoire to participants. Facilitators may wish to edit these PowerPoints depending on their own needs.

The lesson plans provide a brief outline of how the lessons may be conducted, aimed at facilitators. They make suggestions for some exercises to be used during the sessions. These exercises can be modified as required.

Narratives provide a fuller outline of what the facilitator might say or raise for discussion during the sessions, although the facilitator need not read them out. They are simply sources of inspiration for the facilitators, who may wish to add material as needed. In the narratives, additional background material is provided in boxes. It is not expected that the facilitators will try to transmit all the information in the narratives to the participants; they are requested, however, to read all of that material beforehand, so as to be provided with a broader context for the information they will be discussing during the course and ensure they are able to answer most of the participants’ questions.

**Responding to the national / local context of participants**

Domesticating the Convention is an important principle behind the course: participants should leave the course having as far as possible applied the information provided to the situation in their countries. After this course they should be able to explain what implementing the Convention might mean in their national context. Discussions applying the debates in the course to local or national contexts should therefore be encouraged.

In order to assist participants in imagining what the Convention and its implementation might mean in their countries, facilitators should, for instance, encourage discussion and translation of some terms in the languages spoken by participants, in particular of concepts that will be discussed in sessions 5.2 and 5.3.

The participants in the workshop should be treated as the experts that they are in their own local and national context. The workshop may provide them with further knowledge and examples to enable them to contribute significantly to the implementation of the Convention in their countries.

In the first session of the workshop (session 5.1) it is important to situate the work being done within the national and personal experiences of the participants. Worksheet 5.1, mentioned above, will help participants to prepare themselves and provide some information for the facilitators. Independently of this, facilitators are expected to thoroughly prepare themselves, assisted by the relevant UNESCO field office, for giving the course in its specific context.

**Note on terminology**

The Convention for the Safeguarding of the Intangible Cultural Heritage has often been referred to as the ‘2003 Convention’; nowadays ‘Intangible Heritage Convention’ is a more usual abbreviation. This is similar to the abbreviation ‘World Heritage Convention’, for the 1972 UNESCO ‘Convention concerning the Protection of the World Cultural and Natural Heritage’.

The Convention is about ‘Intangible Cultural Heritage’, which in the texts below, and also elsewhere, is often referred to as ‘ICH’, or as ‘Intangible Heritage’ (the adjective ‘cultural’ in English can be dropped in casual references without causing misunderstanding; in French it is not recommended to leave *culturel* out of ‘*patrimoine culturel immaterial*’ as ‘*patrimoine*’ in that language also has the meaning of ‘immovable property’).

The Convention’s two Lists are also hardly ever referred to by their full name: ‘Urgent Safeguarding List’ or ‘USL’ stands for the ‘The List of Intangible Cultural Heritage in Need of Urgent Safeguarding’, while ‘Representative List’ or ‘RL’ stands for ‘The Representative List of the Intangible Cultural Heritage of Humanity’. The Operational Directives are referred to as ODs, and OD 2 means Operational Directives paragraph 2.

The Convention (Article 32) indicates that in order to become States Parties to the Convention, States may, in accordance with their respective constitutional procedures, ratify, accept or approve it, or – in the case of non-Member States of UNESCO – accede to it. When we use the terms ‘ratification’ or ‘ratify’ in this course we generally mean all of these processes. Whatever the name and exact details of the process a country went through in order to become a State Party, once a country is a State Party they have the same rights and obligations vis-à-vis the Convention.

Many of the terms used in the Convention are discussed in the Key Concepts Hand-out (Hand-out 5.3).

We have used the term ‘communities’ in the course as an abbreviated version of the term used in the Convention – ‘the communities, groups and individuals concerned’.

# IMP 5.0 Timetable

**Day 1**

|  |  |  |
| --- | --- | --- |
| **Session** | **Duration** | **Hand-outs for participants** |
| Introductory welcome speeches (optional) | 1 hour |  |
| Tea | 30 mins |  |
| IMP 5.1 – Introduction | 1 hour | IMP Worksheet 5.1  Additional information (IMP Hand-out 5.1.1)  Basic Texts of the Convention (IMP Hand-out 5.1.2) |
| IMP 5.2 – Convention overview (1) | 1 hour | IMP Presentation 5.2 |
| Lunch | 1 hour |  |
| IMP 5.2 – Convention overview (2) | 1 hour |  |
| Tea | 30 mins |  |
| IMP 5.3 – Key concepts | 2 hours | IMP Presentation 5.3  Key Concepts Hand-out (IMP Hand-out 5.3) |

**Day 2**

|  |  |  |
| --- | --- | --- |
| **Session** | **Duration** | **Hand-outs for participants** |
| IMP 5.4 – Who can do what? | 2 hours | IMP Presentation 5.4  Roles of Stakeholders (IMP Hand-out 5.4) |
| Tea | 30 mins |  |
| IMP 5.5 – Raising awareness | 1 hour | IMP Presentation 5.5 |
| Lunch | 1 hour |  |
| IMP 5.6 – ICH inventorying under the Convention | 3 hours | IMP Presentation 5.6  About Inventorying (IMP Hand-out 5.6) |
| Tea | 30 mins |  |

**Day 3**

|  |  |  |
| --- | --- | --- |
| **Session** | **Duration** | **Hand-outs for participants** |
| IMP 5.7 – Involving the communities concerned | 2 hours | IMP Presentation 5.7  Examples of community participation (IMP Hand-out 5.7) |
| Tea | 30 mins |  |
| IMP 5.7 exercise | 1 hour |  |
| Lunch | 1 hour |  |
| IMP 5.7 exercise, continued | 0.5 hour |  |
| Note: session 5.8 integrated into 5.10 |  |  |
| IMP 5.9 – Sustaining ICH and supporting sustainable development | 2 hours | IMP Presentation 5.9 |
| Tea | 30 mins |  |
| IMP 5.10 – Good safeguarding practices (1) | 1 hour | IMP Presentation 5.10  Examples of safeguarding measures (IMP Hand-out 5.10.1)  Case study: Voladores (IMP Hand-out 5.10.2) |

**Day 4**

|  |  |  |
| --- | --- | --- |
| **Session** | **Duration** | **Hand-outs for participants** |
| IMP 5.10 – Good safeguarding practices (2) | 2 hours |  |
| Tea | 30 mins |  |
| IMP 5.11 – Visit to safeguarding project | 2 hours |  |
| Lunch | 1 hour |  |
| IMP 5.12 – Implementation at the international level (1) | 1 hour | IMP Presentation 5.12 |
| Tea | 30 mins |  |
| IMP 5.12 – Implementation at the international level (2) | 2 hours |  |

**Day 5**

|  |  |  |
| --- | --- | --- |
| **Session** | **Duration** | **Hand-outs for participants** |
| IMP 5.13 – Policies and institutions | 2 hours | IMP Presentation 5.13 |
| Tea | 30 mins |  |
| IMP 5.14 – Conclusion (1) | 1 hour | IMP Presentation 5.14  Multiple Choice Questions (IMP Hand-out 5.14) |
| Lunch | 1 hour |  |
| IMP 5.14 – Conclusion (2) | 2 hours |  |
| Tea | 30 mins |  |
| IMP 5.15 - Evaluation | 30 mins |  |

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# IMP 5.1 Lesson plan – Introduction

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| --- |
| **Title of activity: Implementing the Convention – 5.1 introduction** |
| Duration: 1 hour |
| Objective(s): Establish a working relationship with participants and share information about personal and country experiences in the field of ICH. |
| Description:   1. Facilitator introduces him/herself, and the purpose of the workshop, mentioning which countries in the region(s) where the workshop participants come from have ratified the Convention, and what major activities are being undertaken for the implementation of the Convention. 2. Facilitator explains his/her background in the field of ICH, mentioning the domains of ICH listed in the Convention (Art 2.2) some examples of ICH s/he has worked with or been interested in, in case some of the participants are not familiar with what is meant by ICH. 3. Participants introduce themselves briefly and their interest and experience in working on ICH; they discuss what outcomes they expect from the course. |
| Supporting documents:  Facilitator’s notes 5.0 – course overview  Timetable 5.0  Worksheet 5.1 – Pre-workshop questions (given to participants before the workshop)  Hand-out 5.1.1 – Additional Resources  Hand-out 5.1.2 – Basic texts of the Convention |

**Notes and suggestions:**

Requires preparation by facilitator, assisted by UNESCO field offices and the websites of the Convention and UNESCO itself, to study relevant legislation, policy and key ICH-related projects in the countries to be covered by the workshop.

Before the workshop commences, participants are given a list of pre-workshop questions that they should fill in and bring to the workshop.

# IMP 5.1 Worksheet: Introducing participants

*Please fill in prior to coming to the workshop*

Name:

Job title:

Country:

When did your country ratify the UNESCO Intangible Heritage Convention?

Your personal involvement, if any, in work about heritage

Does your country have heritage legislation or policy?

If so, when was the legislation or policy passed by Parliament?

Does the heritage legislation or policy in your country mention intangible heritage? If so, what does it aim to do about it?

What has been done in your country so far about implementing the Convention?

Are there any organizations or programmes in your country that safeguard intangible heritage? Could you give some examples? (Continue on a separate page if necessary)

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# IMP 5.1.1 Hand-out: Additional resources

### The intangible heritage Convention

1. Text of the Convention: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00022>
2. In addition to its six authoritative texts (Arabic, Chinese, English, French, Russian and Spanish), the Intangible Heritage Convention has been translated, officially or unofficially, into many other languages. These translations are available online:  
   <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00102>
3. The Operational Directives: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026>
4. Kit of the Convention for the Safeguarding of the Intangible Cultural Heritage produced by UNESCO: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00018>
5. J. Blake, Commentary on the UNESCO 2003 Convention on the Safeguarding of the Intangible Cultural Heritage, Institute of Art & Law, Leicester, 2006.
6. P. O'Keefe and L.V. Prott, ‘Heritage Conventions and other Instruments - A Compendium with commentaries’, Institute of Art and Law, Leicester, 2011.
7. Main aims, and historical and political history of the Convention: [Intangible Heritage (Key Issues in Cultural Heritage)](http://www.amazon.co.uk/Intangible-Heritage-Key-Issues-Cultural/dp/0415473969/ref=sr_1_1?ie=UTF8&s=books&qid=1277726175&sr=1-1) by Laurajane Smith and Natsuko Akagawa (Routledge 2009): [http://books.google.com/](http://books.google.com/books?id=50fm8ozs6o8C&lpg=PP1&dq=intangible%20heritage&pg=PA1#v=onepage&q&f=false)
8. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010.

### Nominations

1. UNESCO forms for nominations: <http://www.unesco.org/culture/ich/index.php?pg=00184>
2. The Intangible Heritage Lists: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011>

### International cooperation and assistance

1. UNESCO form for applications: Safeguarding projects, form ICH 04

<http://www.unesco.org/culture/ich/index.php?pg=00184>

1. UNESCO form for applications: Preparing nominations for the USL, form ICH 05

<http://www.unesco.org/culture/ich/index.php?pg=00184>

1. UNESCO form for applications: Financial assistance requests for preparing proposals of programmes, projects or activities to be recognized under Article 18, form ICH 06  
   <http://www.unesco.org/culture/ich/index.php?pg=00184>

### Safeguarding

1. UNESCO resources on safeguarding: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00012>
2. UNESCO resources on Living Human Treasures

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00061>

1. Background Paper for UNESCO Meeting, Intangible Heritage Beyond Borders: Safeguarding Through International Cooperation. Bangkok, 20 and 21 July 2010.
2. The UNESCO Concept of Safeguarding Intangible Cultural Heritage: Its Background and *Marrakchi* Roots, by Thomas M. Schmitt, 2008  
   <http://www.informaworld.com/smpp/content~db=all~content=a790564706>
3. Safeguarding Intangible Heritage and Sustainable Cultural Tourism: Opportunities and Challenges, UNESCO-EIIHCAP Regional Meeting, Hué, Viet Nam, 11-13 December 2007  
   <http://www.unescobkk.org/fileadmin/user_upload/culture/ICH/Report.pdf>

### Inventorying and documentation of intangible heritage

1. China’s intangible heritage inventory  
   <http://www.china.org.cn/china/2010-06/02/content_20171387_2.htm>

<http://www.chinaheritagequarterly.org/features.php?searchterm=007_twolists.inc&issue=007>

1. Cultural mapping in Fiji:  
   <http://www.iapad.org/publications/ppgis/ch03_rambaldi_pp28-35.pdf>
2. Cambodian inventory-making  
   <http://www.accu.or.jp/ich/en/pdf/c2005subreg_RP3.pdf>
3. Scottish inventory-making

<http://www.museumsgalleriesscotland.org.uk/publications/publication/71/scoping-and-mapping-intangible-cultural-heritage-in-scotland-final-report>

1. Bulgarian inventory-making   
   <http://www.unesco.org/culture/ich/index.php?pg=00263>
2. Brazilian inventory-making

<http://www.unesco.org/culture/ich/index.php?pg=00264>

<http://www.transpersonalstudies.org/ImagesRepository/ijts/Downloads/Labate.pdf>

1. Venezuelan inventory-making  
   <http://www.unesco.org/culture/ich/index.php?pg=00265>
2. Documenting Sudanese traditional music taking community IP rights into account:

<http://www.wipo.int/export/sites/www/tk/en/culturalheritage/casestudies/sudanese_archives.pdf>

1. Documentation of Subanen indigenous knowledge: ‘Indigenous Knowledge Systems and Intellectual Property Rights: an Enabling Tool for Development with Identity’,byVel J. Suminguit, Workshop on Traditional Knowledge, the United Nations and Indigenous Peoples, 21-23 September 2005, Panama City. <http://www.ifad.org/english/indigenous/pub/documents/Indigeknowledge.pdf>
2. Recording living music and dance traditions in Ethiopia <http://www.unesco.org/culture/ich/index.php?pg=00262>

### Community participation and rights

1. Intangible Cultural Heritage and Intellectual Property: Communities, Cultural Diversity and Sustainable Development, edited by Toshiyuki Kono (Intersentia, 2009).
2. Chirikiure and Pwiti 2008, ‘Community Involvement in Archaeology and Cultural Heritage Management’ in Africa <http://ithuteng.ub.bw:8080/bitstream/handle/10311/471/Chikure_CA_2008.pdf?sequence=2>
3. Jonathan Prangnell; Anne Ross; Brian Coghill ‘Power relations and community involvement in landscape-based cultural heritage management practice: an Australian case study’ International Journal of Heritage Studies (vol.1&2) 2010.  
   <http://www.informaworld.com/smpp/title~content=t713685629>
4. Smith, L., Morgan, A., and Van der Meer, A., 2003. Community-driven research in cultural heritage management: the Waanyi women’s history project. International Journal of Heritage Studies, 9 (1), 65–80. <http://www.informaworld.com/smpp/title~content=t713685629>
5. WIPO work on intellectual property and traditional cultural expressions:

<http://www.wipo.int/tk/en/resources/>

1. A critical view of the Convention’s ability to safeguard indigenous communities’ heritage: Cultural Heritage, Traditional Knowledge and Indigenous Rights: An Analysis of the Convention for the Safeguarding of Intangible Cultural Heritage, by Paul Kuruk, 2004  
   <http://www.austlii.edu.au/au/journals/MqJICEL/2004/5.html>
2. M.F. Brown, Heritage Trouble: Recent Work on the Protection of Intangible Cultural Property, International Journal of Cultural Property (2005) 12:40–61.

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# IMP 5.2 Lesson plan: Introducing the Convention

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| --- |
| **Title of activity:**  **Implementing the Convention 5.2 – Introducing the Convention** |
| Duration: 1.5 hours |
| Objective(s):  Provide an overview of the Convention, its background, rationale and mode of operation, while also introducing the Operational Directives that guide its implementation. |
| Description:  IMP Presentation 5.2 Introducing the Convention (optional exercise on slide 16).   * UNESCO and its conventions on culture and heritage * Comparing the World Heritage and Intangible Heritage Conventions * Comparing the Intangible Heritage and Cultural Diversity Conventions * Objectives of the Intangible Heritage Convention * The Lists and Register of the Convention * Organs of the Convention * Operational Directives * ICH Fund * Obligations of States Parties to the Convention * Benefits of implementing the Convention * Case studies / examples:   + The Sanké mon (Mali)   + The Tango (Argentina, Uruguay)   + The school museum of Pusol project (Spain) |
| Supporting documents:  IMP Presentation 5.2 plus narrative |

**Notes and suggestions:**

The participants should all have their Basic Texts with them; when referring to a specific article of the Convention, or paragraph of the Operational Directives, the facilitator may request the participants to find and perhaps read it aloud.

The definitions of ICH and of safeguarding in Articles 2.1 and 2.3 of the Convention are not included in the narrative of this session. The facilitator will already have spoken in session 5.1 about the general concept of ICH and its domains. This and other important concepts used in the Convention will be discussed in session 5.3 in some detail, but if necessary they may instead be covered in this session.

Inventorying and International cooperation and assistance will be discussed more fully in sessions 5.6 and 5.12.

More information on the Lists, especially on the USL, will be given in session 5.12, so the discussion of the lists here is brief.

The optional exercise at slide 10 on domains should be used if there are queries or uncertainties about the domains of ICH, and to clarify the concept if necessary. Classifying ICH into domains is not given much emphasis in the Convention.

The exercise (about 20 minutes in all) on the obligations of States Parties to the Convention (slide 16) will help participants become familiar with the Basic Texts and they should be using this booklet as a reference throughout the course. Another topic for the exercise (such as community participation) could be used instead of the topic of obligations of States Parties, should it seem more appropriate to the participants’ needs.

# IMP 5.2 Presentation: Introducing the Convention

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# IMP 5.2 Narrative: Introducing the Convention

### Slide 1. Introducing the Intangible Heritage Convention

### Slide 2. In this presentation…

This presentation first briefly introduces UNESCO, its mandate, and three of its ‘cultural diversity’ conventions.

The main focus of the presentation is the Intangible Heritage Convention and its implementation, covering topics such as:

* Objectives of the Convention
* Governing organs of the Convention
* Two Lists and a Register
* The Operational Directives
* The Fund of the Convention
* Obligations of States Parties under the Convention
* Benefits of implementing the Convention

### Slide 3. UNESCO and its Conventions

UNESCO (the United Nations Educational, Scientific and Cultural Organization) is an inter-governmental organization with 193 Member States that was established in 1946.

UNESCO’s main aim is to mobilize education, the sciences, culture and communication to foster peace, sustainable development and intercultural dialogue, and to contribute to the eradication of poverty and other inequalities. Its current focus is on Africa and gender equality.

UNESCO has its head office in Paris, and field offices in 56 countries, some of which serve one country, others a cluster of countries. These offices assist UNESCO Member States – among many other things - in implementing the UNESCO Conventions they have ratified.

UNESCO works to create the conditions for dialogue among cultures and peoples, based upon respect for commonly shared values. It is through this dialogue that the world can achieve sustainable development encompassing observance of human rights, mutual respect and the alleviation of poverty, all of which are at the heart of the mission of the UN system.

The broad goals and concrete objectives of the international community – as set out in internationally agreed development goals, including the Millennium Development Goals (MDGs) – underpin all UNESCO’s strategies and activities. Thus UNESCO’s unique competencies in education, the sciences, culture and communication and information are mobilized to contribute towards the realization of those goals.

A convention is a legally binding agreement between States that outlines common goals. In pursuit of these goals, a convention sets out methods and standards for achieving them, usually at a national and international level.

There are seven UNESCO conventions in the area of culture and heritage, aiming at the conservation and safeguarding of (i) tangible, intangible and natural heritage and (ii) the diversity of cultural expressions in the world today:

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| The Member States of UNESCO have elaborated and adopted 28 conventions, 13 Declarations and 30 Recommendations between 1946 and 2010. |
| **UNESCO Conventions in the domain of culture/heritage:** |
| 1. Protection and Promotion of the Diversity of Cultural Expressions (2005) |
| 1. Safeguarding of the Intangible Cultural Heritage (2003) |
| 1. Protection of the Underwater Cultural Heritage (2001) |
| 1. Protection of the World Cultural and Natural Heritage (1972) |
| 1. Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (1970) |
| 1. Protection of Cultural Property in the Event of Armed Conflict (1954) |
| 1. Universal Copyright Convention (1952, 1971) |
| For a list of these standard-setting legal instruments, see: |
| <http://portal.unesco.org/en/ev.php-URL_ID=13649&URL_DO=DO_TOPIC&URL_SECTION=-471.html> |
| UNESCO conventions are elaborated in intergovernmental meetings in which all Member States may participate, and all of these States would ideally adhere to them. Once the governmental experts have finished their preparatory work, the resulting draft is offered to the General Conference of UNESCO, which is its highest organ. The General Conference discusses the draft and may approve it. It then becomes a UNESCO convention that States may ratify or otherwise adhere to. |
| Member States may become States Parties to individual conventions by ratifying them. By ratifying a convention, or otherwise adhering to it, a State indicates that it agrees with the aims and methods of the convention and will take appropriate actions in pursuit of these aims. Recommendations and declarations, unlike conventions, are not legally binding. |
| One thing to remember about conventions is that they are always compromises between different views and approaches, which is why it sometimes takes many years to draft them in such a way as to achieve sufficient consensus. Therefore every word of a convention counts. They may be amended, but this is a difficult and lengthy process (see for example Article 38 of the Intangible Heritage Convention). Even once a Convention has been adopted, States Parties may seek room for their own interpretations of the text, especially where the language of the convention is not very explicit. |
| UNESCO also promotes cultural diversity and human creativity by: |
| * Assisting States Parties in implementing the conventions at the national and international level, in its role as Secretariat to these conventions; |
| * Assisting Member States in developing cultural and heritage policies, and implementing them; and |
| * Developing pilot projects in a wide array of domains, including natural and cultural heritage, museums, cultural objects, languages, crafts, etc. |

### Slide 4. Three related UNESCO Conventions on culture and heritage

Three UNESCO Conventions on culture and heritage explicitly promote cultural diversity (they are largely – though far from completely – complementary):

**The Convention concerning the Protection of the World Cultural and Natural Heritage (1972)**, which aims at the conservation of buildings and places of outstanding universal value. Most of the Member States of UNESCO (187) have now ratified the World Heritage Convention, as it is called. This is the best known of all UNESCO’s Conventions, in particular because of its World Heritage List, on which the Committee running that Convention already has inscribed over 900 sites of outstanding universal value.

**The Convention for the Safeguarding of the Intangible Cultural Heritage (2003)**, which aims at the safeguarding of the intangible heritage of humanity. By early 2011, 134 countries were States Parties. This Convention is significantly different from the World Heritage Convention in approach and scope, but has been heavily inspired by it in several of its provisions, for instance those concerning its Governing Organs, Lists, Fund, and contributions from States Parties.

**The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)**, aims to promote cultural diversity by strengthening the chain of creative endeavour, from production to distribution/dissemination, access and enjoyment of cultural expressions (music, craft, painting, performance, etc.). By November 2010, 115 countries were States Parties to this Convention.

### Slide 5. Comparing two Conventions (1)

Discussions about the need for an international legal instrument aimed at protecting intangible heritage happened over a period of around 25 years within UNESCO.

This period was marked in particular by the adoption of UNESCO’s Recommendation on the Safeguarding of Traditional Culture and Folklore in 1989 and the proclamations of Masterpieces of the Oral and Intangible Heritage of Humanity in 2001, 2003 and 2005. The Intangible Heritage Convention was finally adopted in 2003 and came into force in 2006.

In this process, there was much debate about the following (among other issues):

* Whether the World Heritage Convention should simply be adapted to include the safeguarding of ICH or whether a separate Convention was needed for ICH;
* How the value of ICH should be determined, whether with reference to expert criteria or to its significance to the people who practise and transmit it; and
* Whether lists of ICH were necessary. If so, what would be their purpose? What would be the relationships between them? What would they be called? Would they be lists or registries?

Comparing the Intangible Heritage Convention with the World Heritage Convention reveals some of the reasons behind the decision to develop a new convention.

Where the World Heritage Convention speaks of protection, focusing on cultural and natural sites of outstanding universal value, the Intangible Heritage Convention speaks of safeguarding, focusing on cultural and social practices, skills and knowledge that are meaningful to the people who enact them, providing them with a sense of identity and continuity.

Safeguarding involves ensuring that the ICH continues to have meaning for the communities or groups concerned, that they continue to invest time and effort in it, and that the context is favourable for its continued practice and transmission.

Although both Conventions have listing systems, the main criterion for inscription on the World Heritage List is ‘outstanding universal value’ whereas inscription on the Intangible Heritage List is justified primarily by the value of the ICH to the communities, groups and individuals who practise and transmit that heritage. Tangible heritage conservation has traditionally focused on preserving material traces of the past – objects and buildings – to maintain a significance that is primarily defined by experts, using criteria such as authenticity and integrity. Within the World Heritage system, conservation management approaches for tangible heritage have started to take values and interests of associated communities into account.

The Intangible Heritage Convention focuses on promoting, safeguarding and respecting cultural expressions and practices that are enacted, recognized and valued in the present by communities, groups and individuals.

Intangible heritage may have tangible elements (places, buildings, objects, materials, costumes, instruments) associated with it. In some cases safeguarding thus includes ensuring the availability of tools and materials, or other conditions, required for enactment or transmission, but safeguarding does not specifically focus on conserving the tangible products of intangible heritage practices. The Convention focuses on processes, not on objects or products. For example, if a form of traditional bridge building is to be safeguarded, it is not the bridges themselves that necessarily need conserving or protecting, but rather the skills and knowledge to build them. Ensuring the availability of any specialist tools or building materials for building the bridges is not the same as conserving those tools for their own sake.

ICH, often referred to as living heritage, is constantly being re-enacted in slightly different ways. Tangible and intangible heritage experts, meeting in Nara (Japan) in October 2004, took the view, expressed in the so-called Yamato Declaration (paragraph 8), that since intangible heritage is constantly recreated, the term ‘authenticity’ as applied to tangible heritage is not relevant when identifying and safeguarding intangible heritage.

The intention of the Intangible Heritage Convention is not to validate one authentic or historically accurate way of enacting or transmitting ICH elements and actions that may lead to freezing of ICH elements are not encouraged under the Convention.

Inspired by the 2001 UNESCO Universal Declaration on Cultural Diversity, the Convention assumes the fundamental equality of cultures and of cultural expressions and practices that are characteristic of specific peoples, communities and groups. The Convention therefore rejects any hierarchies between the ICH of different groups, peoples or States, or between ICH elements of one and the same group. ICH elements listed on the Convention’s lists, or included in an inventory, are not considered more important or more valuable than elements that are not inscribed, or not inventoried.

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| The Intangible Heritage Convention was deeply influenced by the 2001 UNESCO Universal Declaration on Cultural Diversity:  <http://portal.unesco.org/en/ev.php-URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html>  The Preamble of the 2001 Declaration: |
| * Defines culture as ‘the set of distinctive spiritual, material, intellectual and emotional features of society or a social group’, encompassing, ‘in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs’; |
| * Notes ‘that culture is at the heart of contemporary debates about identity, social cohesion, and the development of a knowledge-based economy’; |
| * Affirms ‘that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security’; and |
| * Aspires to ‘greater solidarity on the basis of recognition of cultural diversity, of awareness of the unity of humankind, and of the development of intercultural exchanges’. |
| Concerning the protection of tangible and the safeguarding of intangible heritage the following paragraphs of the Yamato Declaration (<http://unesdoc.unesco.org/images/0013/001376/137634e.pdf>), a document containing a set of recommendations of a meeting of experts, organized in October 2004 in Nara (Japan), are relevant: |
| * ‘9. realising that the elements of the tangible and intangible heritage of communities and groups are often interdependent; |
| * 10. further considering that there are countless examples of intangible cultural heritage that do not depend for their existence or expression on specific places or objects, and that the values associated with monuments and sites are not considered intangible cultural heritage as defined under the 2003 Convention when they belong to the past and not to the living heritage of present-day communities; |
| * 11. taking into account the interdependence, as well as the differences between tangible and intangible cultural heritage, and between the approaches for their safeguarding, we deem it appropriate that, wherever possible, integrated approaches be elaborated to the effect that the safeguarding of the tangible and intangible heritage of communities and groups is consistent and mutually beneficial and reinforcing;’ |
| The experts meeting in Nara called upon:: |
| * ‘12. national authorities, international, governmental and non-governmental organizations, and individuals actively engaging in safeguarding cultural heritage to explore and support investigations of strategies and procedures to integrate the safeguarding of tangible and intangible heritage, and to always do so in close collaboration and agreement with the communities and groups concerned; |
| * 13. UNESCO to adopt and implement in its programmes and projects, where appropriate, an inclusive and integrated vision of heritage, to support capacity building and to provide guidelines for best practices in the spirit of this Declaration;’ |

### Slide 6. Comparing two Conventions (2)

Other aspects of the Intangible Heritage Convention can be illustrated by comparing it with the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

The Convention on the Diversity of Cultural Expressions focuses on contemporary cultural expressions in general, which may include music, movies, craft, painting, performance, and so on. These cultural expressions in most cases represent new creations – they are not necessarily transmitted from generation to generation as intangible heritage is, nor necessarily constantly changing. This Convention aims to promote cultural diversity by promoting cultural productions and industries, and by promoting and regulating the dissemination of cultural goods and services. It aims to promote development by strengthening the chain of creative endeavour, from production to distribution/dissemination, access and enjoyment of cultural expressions.

The Intangible Heritage Convention focuses on a rather different aim: encouraging the sustainable practice and transmission of ICH. This often also contributes to development, either directly or indirectly. Some ICH is transmitted over generations because it contributes to creating livelihoods for people and the economic value of ICH is increasingly important as a motivation for the safeguarding of ICH, in developing States and elsewhere. Under the Intangible Heritage Convention, ‘over-commercialization’ (OD 102) and ‘commercial misappropriation’ (OD 117) are, however, specifically discouraged. The ODs also warn that ‘the commercial use [of ICH should] not distort the meaning and purpose of the intangible cultural heritage for the community concerned’ (OD 117).

**The Operational Directives on commercial value and use of ICH:**

116. Commercial activities that can emerge from certain forms of intangible cultural heritage and trade in cultural goods and services related to intangible cultural heritage can raise awareness about the importance of such heritage and generate income for its practitioners. They can contribute to improving the living standards of the communities that bear and practise the heritage, enhance the local economy, and contribute to social cohesion. These activities and trade should not, however, threaten the viability of the intangible cultural heritage, and all appropriate measures should be taken to ensure that the communities concerned are their primary beneficiaries. Particular attention should be given to the way such activities might affect the nature and viability of the intangible cultural heritage, in particular the intangible cultural heritage manifested in the domains of rituals, social practices or knowledge about nature and the universe.

117. Particular attention should be paid to avoiding commercial misappropriation, to managing tourism in a sustainable way, to finding a proper balance between the interests of the commercial party, the public administration and the cultural practitioners, and to ensuring that the commercial use does not distort the meaning and purpose of the intangible cultural heritage for the community concerned.

### Slide 7. The Intangible Heritage Convention

As mentioned above, a convention is a legally binding agreement between States that outlines common goals, and sets out methods and standards for achieving them.

UNESCO’s General Conference adopted the Intangible Heritage Convention in October 2003. Seven years later, by early 2011, it has been ratified by 134 States. The Convention entered into force in 2006, when the number of States Parties reached 30.

The Convention is available in six official versions: Arabic, Chinese, English, French, Russian and Spanish; many States have already had the Convention translated into other languages.

For all these versions see the website of the Convention

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00006>

The Convention’s text contains the following main sections:

**A preamble**, that sets the background to the Convention and specifically mentions the important role of communities in the practice and transmission of ICH and factors that threaten the viability of the ICH;

**An article on objectives** (Article 1), that explains what the Convention intends to achieve;

**An article on definitions** (Article 2), that outlines what is meant in the Convention by terms such as ICH and safeguarding;

**Articles on governing organs** (Articles 4-8), that establish a General Assembly and Intergovernmental Committee;

**Articles on safeguarding** **at the national level** (Articles 11-15), that explain how States Parties should or might safeguard the ICH present in their territory;

**Articles on safeguarding at the international level** (Articles 16-18), that explain the Convention’sLists and Register of Best (safeguarding) Practices.

**Articles on international cooperation** **and assistance** (Articles 19-28), that explain how States Parties can help each other implement the Convention and receive financial assistance from the ICH Fund;

**Articles on reporting** (Articles 29-30), that set out the reporting obligations of States Parties; and

**Articles on ratification** (Articles 32-33), that explain how States may become States Parties to the Convention.

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| **A note on the text of the Convention:**  It was prepared in three sessions and an intersession of an Intergovernmental meeting, held at UNESCO between September 2002 and June 2003, in which all member States of UNESCO could participate (most of them did); see for the report of the first session: <http://unesdoc.unesco.org/images/0012/001290/129000e.pdf>; reports of the other sessions are available on the same site.  It was adopted by the General Conference of UNESCO in October 2003 (about 120 votes in favour, 8 abstentions, zero against).  From early November 2003 onwards the Convention was open for ratification, etc.; 134 States so far have deposited their instrument of ratification, etc. See <http://portal.unesco.org/la/convention.asp?KO=17116&language=E>  It has six equally authoritative linguistic versions: Arabic, Chinese, English, French, Russian, Spanish. It has been translated into many more languages but these versions are not authoritative on the international level (see <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00102>);  A set of Operational Directives guide its implementation, in conformity with Article 7(e) of the Convention. The Convention may be amended, though this is not easy (see Article 38); amending the Operational Directives is much easier.  Some States have made declarations or reservations – most often to communicate that they did not feel bound by Article 26.1 of the Convention concerning ‘contributions to the Fund’ when they deposited their instrument of ratification; see: <http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html>  **Background: Initial doubts about the Convention expressed by UNESCO Member States:**  About 120 Member States voted in favour when in October 2003 the General Conference of UNESCO adopted the Intangible Heritage Convention; 8 States abstained (and a few happened to be in the corridor during voting). No Member State voted against adoption. After the adoption of the Convention many Member States started preparing for ratification; Algeria was the first country to do so. One of the States that abstained in 2003 has since ratified the Convention; others may follow.  In the early 1970s, Bolivia had led the way in trying to expand heritage thinking within UNESCO and to give ICH its due place within it. UNESCO first tried to work together with WIPO, the World Intellectual Property Organization (Geneva), towards international regulations for both the safeguarding and the legal protection of ICH and traditional expressions/folklore. This proved to be too difficult, and both organizations continued developing their own discussions and programmes in the 1980s. UNESCO adopted a Recommendation on the Safeguarding of Traditional Culture and Folklore in 1989. That text, being a Recommendation, was not legally binding and only few countries followed recommendations contained in it.  The text also attracted considerable criticism: the actual safeguarding of ICH within, by and for the benefit of communities was subordinated to the interests of researchers. In the course of the 1990s the Recommendation was evaluated and at a conference of experts from all regions of the world, co-organized by UNESCO in 1999, it was concluded that a new, more forward-thinking and more binding international legal instrument should be developed.  Meanwhile, inspired by the experiences of Japan and the Republic of Korea, UNESCO started the so-called Living Human Treasures Programme (LHT) and the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity. These two exercises encouraged the continued transmission of ICH practices and raised awareness about ICH by highlighting specific elements of it. The Masterpieces programme came to an end with the entry into force of the Intangible Heritage Convention (see Article 31 of the Convention); the Living Human Treasures programme is no longer promoted in its original form. Both programmes were influenced by the spirit of the 1989 Recommendation, introducing hierarchies between practitioners (LHT) and between elements of ICH (Masterpieces).  From the late 1990s onwards, support for the elaboration of a new standard-setting instrument increased, led by growing numbers of States from East Asia, Africa and Latin America. In 2001 the Organs of UNESCO instructed the Secretariat of UNESCO to organize an intergovernmental meeting aiming to reach consensus on a text for such an instrument, ‘preferably a Convention’. The meeting was organized between September 2002 and June 2003 (1st session: September 2002, 2nd session: February 2003, intersession: April 2003, 3rd and final session: June 2003).  Various Member States had also expressed reservations about the necessity and usefulness of a binding instrument concerning ICH, both before and during the preparation of the Convention by the intergovernmental meeting, or about the process itself.  Some Member States felt that the process was too quick and that more time would be required, in particular for the elaboration of definitions. A glossary with terms to be used in the Convention had been prepared by an expert meeting in June 2002 at UNESCO, but it was neither discussed in detail by the Intergovernmental meeting, nor was it attached as an annex to the Convention. The meeting did so on purpose: it wanted the Convention to be a flexible instrument, leaving a lot of leeway for States Parties, without constraints imposed by a large number of strict definitions. This position was confirmed by the Intergovernmental Committee in its meeting in Chengdu (China) in May 2007.  Other Member States did not think it a good idea to interfere with ICH or living practices. In their view these should be left alone, to live on, or to disappear, if the communities concerned chose to abandon the practice. They also expressed the fear that inventorying and listing ICH might lead to freezing and/or commercialization of the ICH. Some thought that the Convention would give States an opportunity to appropriate ICH, which should instead belong to the communities of tradition-bearers.  These concerns are therefore addressed both in the Convention and (especially) in the ODs. States Parties are warned against over-commercialization or misappropriation of the ICH. The texts emphasize the fact that safeguarding assumes that the practice and transmission of ICH is a dynamic process, which should always be under the control of the communities concerned. Assigning ownership of ICH to the State in national legislation is therefore, for example, not in the spirit of the Convention.  One Member State was afraid of the possible interpretation of the word 'necessary' in Article 11(a) of the Convention that requires a State Party to 'take the necessary measures to ensure the safeguarding of the ICH present in its territory'.  Some States have expressed concerns about the consequences of ratifying the Convention for their negotiations with minorities or indigenous communities about issues concerning territorial rights or local autonomy. The Convention should not give cause for concern in this regard, however: no rights whatsoever are established by it - not even the intellectual property rights of communities over their ICH.  A few Member States wondered whether there was any need to create a new convention for ICH, as the World Heritage Convention's Operational Guidelines had introduced the notion of intangible values associated with places. However, most UNESCO Member States saw the need for a separate convention for intangible heritage: much ICH is not linked to a specific place at all. It usually can be enacted and transmitted as long as there are enough members of a community together - indeed, ICH very often continues to be enacted and transmitted after people have moved away from their place of birth. Also, not all ICH that is linked to specific places is linked to World Heritage sites (that is to places of exceptional and universal value). The final consideration was that, even when they are associated with tangible heritage, elements of ICH - if endangered – require very different measures from tangible heritage properties. These differences are reflected in the titles of the World Heritage Convention, which speaks about ‘protection’ and the Intangible Heritage Convention, which speaks about ‘safeguarding’.  Some western European countries, whose approach to heritage had traditionally been mainly concerned with tangible, monumental heritage, have taken a long time to embrace the new Convention (in many cases well after its adoption); the same goes for a number of large States that are well known for their elaborate policies concerning minority or indigenous groups, such as the United States, Canada, Russia and Australia. |

### Slide 8. Objectives of the Convention

What are the objectives of the Convention?

Article 1 of the Convention mentions as its objectives:

* to *safeguard* the intangible cultural heritage;

This is the main objective of the Convention, as is evident from the title of the Convention itself. By ratifying, States Parties take on the obligation to safeguard the ICH in their territory; several articles of the Convention advise States Parties on how they can meet that obligation; there is a List for Urgent Safeguarding and the focus of the Convention’s Fund is on supporting safeguarding and capacity building activities in the territories of States Parties, in particular in developing States.

* to ensure *respect* for the intangible cultural heritage of the communities, groups and individuals concerned;

The Convention promotes respect for intangible heritage that complies with the definition of the Convention, working against indifference, intolerance or other negative attitudes. Such attitudes can be present both within communities regarding their own intangible heritage and within the general public, in State agencies and organizations. Negative attitudes, especially when expressed by more powerful social groups or the authorities, can restrict the continued enactment and transmission of intangible heritage.

* to raise the visibility of ICH and *awareness* at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring *mutual appreciation* thereof;

The Convention aims not just to ensure respect for, but also general awareness of the range and depth of ICH and its important functions for people all over the world. In particular, the Convention seeks to promote mutual appreciation for the intangible heritage of all communities and groups, both on the national and the international level. The Convention also promotes awareness raising about the importance of intangible heritage as a pillar of cultural diversity and a mainspring of human creativity.

* to provide for international cooperation and assistance.

Because the Convention’s approach is relatively new in the field of heritage management, much work needs to be done in developing methodologies and sharing good practices. States Parties will benefit from assisting each other, providing expertise, information and from sharing experiences about safeguarding their ICH. This can make their safeguarding activities more targeted, more efficient and more cost-effective.

The Convention particularly encourages cooperation between States Parties that share specific intangible heritage elements. Such cooperation can include joint inventorying and safeguarding activities and joint requests for international cooperation and assistance. Since most modern borders were drawn without taking into account local circumstances or opinions, much intangible heritage is found in more than one neighbouring State. Another reason why ICH elements may be spread over several countries – not necessarily neighbouring countries - is migration. International cooperation can assist in safeguarding shared intangible heritage more effectively.

In the Operational Directives, countries are encouraged to cooperate and collaborate through Category II centres and in other ways (OD 13, 86, 88).

Category II centres are institutions working under the auspices of UNESCO that coordinate activities on a specific topic across several countries or a broader region. Many category II centres concentrate on water-related issues. The number of category II centres in the domain of culture and heritage is on the increase. The first category II centres for ICH, the Regional Centre for the Safeguarding of Intangible Cultural Heritage in Latin America (CRESPIAL), based in Peru, was established in 2006. In 2010 agreements were signed between UNESCO and Bulgaria, China, the Islamic Republic of Iran, Japan and the Republic of Korea establishing five new category II centres on aspects of ICH safeguarding.

UNESCO, Intangible Heritage beyond Borders: Safeguarding through International Cooperation. Bangkok, 20 and 21 July 2010.

Agenda: <http://www.unesco.org/culture/ich/doc/src/07382-EN.pdf>

Background paper: <http://www.unesco.org/culture/ich/doc/src/07384-EN.pdf>

### Slide 9. Two Lists and a Register

Under the Convention, two Lists and a Register of Best (Safeguarding) Practices have been established. Article 17 of the Convention establishes the Urgent Safeguarding List (in full: the List of Intangible Cultural Heritage in Need of Urgent Safeguarding), which is aimed at safeguarding ICH elements whose viability is threatened.

Article 16 establishes the Representative List (in full: the Representative List of the Intangible Cultural Heritage of Humanity). This List is intended to illustrate the diversity of the ICH of humanity across all its domains, and across all communities and groups. This is intended to ensure better visibility of the ICH in, general and awareness of its significance, and to encourage dialogue that respects cultural diversity. States also submit nominations for this List because they are proud of their ICH and wish to show it to the rest of the world.

Article 18 of the Convention is about the selection of programmes, projects and activities that best reflect the principles and objectives of the Convention. They are presented in a Register of Best Practices (OD 43, 46). After their inclusion on the Register, the Committee and Secretariat promote them so that other countries and people working in the field may learn from their experiences.

States Parties may nominate elements for inscription on these Lists and best practices for the Register.

Further information on the Lists, especially on the USL, will be given in session 5.12, so the discussion of the lists here is very brief.

In [November 2008](http://www.unesco.org/culture/ich/index.php?pg=00196), 90 elements were incorporated in the RL from a UNESCO programme called Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity: 76 new elements were inscribed on the RL in November 2009 and 47 more in November 2010, yielding a total of 213 inscribed elements. The first inscription on the USL was of 12 elements, in 2009; in 2010 four more were inscribed. In 2009, three programmes were inscribed on the Register of Best Practices. Substantial numbers of nominations have already been received for the 2011 cycle for the Urgent Safeguarding List and the Register of Best Practices.

Here are two examples of elements inscribed on the Lists.

### Slide 10. The Sanké mon: the endangered collective fishing rite of the Sanké

The Sanké mon collective fishing rite takes place annually in the Ségou region of Mali to mark the beginning of the rainy season and commemorate the founding of the town, San. The rite begins with the sacrifice of roosters, goats and offerings made by village residents to the water spirits of the Sanké pond. The collective fishing rite then takes place over fifteen hours using large and small mesh fishing nets. It is immediately followed by a masked dance on the public square featuring Buwa dancers from San and neighbouring villages who wear traditional costumes and hats decorated with cowrie shells and feathers and perform specific choreography to the rhythms of a variety of drums. It reinforces collective values of social cohesion, solidarity and peace between local communities. In recent years, fewer people attend the rite because of diminishing awareness of the event’s function and history, occasional accidents during the event itself and the degradation of the Sanké lake due to poor rainfall and the effects of urban development.

The element is inscribed on the Urgent Safeguarding List; safeguarding measures are underway (<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&USL=00289>).

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| The nomination file for the ‘Sanké mon’ collective fishing rite of the Sanké presents the following safeguarding measures (slightly amended here):   * + Develop among local populations, and political and administrative authorities, an understanding of the socio-cultural, natural and economic benefits of the safeguarding of the ‘Sanké mon’;   + Encourage national and international recognition of the ‘Sanké mon’ as ICH expressing cultural identity, solidarity and social cohesion;   + Ensure the enhancement and sustainable safeguarding of the ‘Sanké mon’ through research, promotion and awareness raising;   + Educate the younger generation and encourage the transmission of knowledge linked to the ‘Sanké mon’;   + Prevent the drying-up and eventual disappearance of the pond by clearing obstructed waterways;   + Add the ‘Sanké mon’ to the tourist routes of Mali, more particularly those of the Ségou region, and at the same time mitigate against any negative impacts of tourism on the element. |

### Slide 11. The Tango joins the Representative List

The Tango is a symbol of the popular culture of Argentina and Uruguay, especially their capital cities. It has been jointly inscribed on the Representative List by Argentina and Uruguay. The Tango originated within the urban working classes in Buenos Aires and Montevideo in the Rio de la Plata basin, and was developed by a mix of European immigrants, descendants of African slaves and the *criollo* native peoples of the region*.* The music, dance and songs of the Tango incorporated this wide diversity of cultural influences to become a symbol of the distinctive cultural identity of the popular culture of the region. Today, the Tango is still widely practised in the traditional dance halls of Buenos Aires and Montevideo, but has also spread across the globe, adapting to new environments and changing times

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00258>

### Slide 12. Best safeguarding practices and the example of the school museum of Pusol project

Article 18 of the Convention asks the Committee to select programmes, projects and activities aimed at the safeguarding of ICH, and submitted to them by the States Parties, that best reflect the principles and objectives of the Convention. Article 18.1 requires the Committee to elaborate selection criteria to this end and Article 18.3 requests it to disseminate the selected best practices.

The Committee attaches great importance to this Article and has already elaborated criteria and procedures for its implementation in the form of Operational Directives (ODs 3 - 7 and 42 - 46). It was also decided that preparatory assistance may be requested for making these nominations (OD 18).

So far three programmes, projects or activities nominated by the States Parties have been selected as best practices. After their inclusion on the Register, the Committee and Secretariat promote them so that others may learn from them. An example of one of the elements on the Register is the ‘Centre for traditional culture - school museum of Pusol pedagogic project’.

Started at a one-teacher rural public school in Pusol (Elche, Spain) in 1968, and later expanded to other towns and cities in the region, the *Centre for traditional culture – school museum of Pusol pedagogic project* has successfully integrated heritage into formal education. This innovative education project has two main goals: integrating the local cultural and natural heritage within the curriculum, and contributing to safeguarding Elche’s heritage by means of education, training, direct action and awareness raising in schools. Guided by teachers and external collaborators, children discuss their heritage with Elche tradition-bearers, do fieldwork data collection, and get involved in the museum, studying and exploring their local heritage by themselves, thereby teaching visitors and one another. The project has trained almost 500 schoolchildren and has resulted in a school museum with more than 61,000 inventory entries and 770 oral recordings

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&Art18=00306>

### Slide 13. Organs of the Convention

UNESCO Conventions are intergovernmental (between States); they are managed by bodies or organs made up of representatives of the States that have ratified them. The ICH Convention has two such organs, a General Assembly and an Intergovernmental Committee.

The General Assembly is the sovereign body of the Intangible Heritage Convention. All States Parties to the Convention are members of the General Assembly. It instructs the Intergovernmental Committee and it has the final word in matters of interpretation of the Convention.

The General Assembly meets every second year in the month of June; it met for the first time in 2006. It determines its own rules and is not subordinate to UNESCO. Neither, by the way, is the Convention subordinate to any other Convention.

The Intergovernmental Committee is composed of representatives of 24 States Parties to the Convention, elected by the General Assembly for four years. The Committee members have a mandate to oversee the implementation of the Convention, including the inscription of ICH on the Lists of the Convention and the inclusion of best safeguarding practices in the Register. The Intergovernmental Committee also prepares the Operational Directives and it manages the Fund of the Convention, among many other things (see Article 7 of the Convention on the functions of the Committee).

The Intergovernmental Committee meets in ordinary session once a year and regularly reports about its activities to the General Assembly.

Its meetings so far have been:

1.COM: Algiers, 2006,

2.COM: Japan, 2007,

3.COM: Istanbul, 2008,

4.COM, Abu Dhabi, 2009, and

5.COM: Nairobi, 2010.

The next ordinary session will be held in Bali (Indonesia) in November 2011; three extraordinary sessions have been held so far: Chengdu, May 2007, Sofia, February 2008 and Paris, June 2010.

For Committee membership, see: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00028>

In order to ensure equitable geographical distribution in the membership of the Committee and its subsidiary bodies the Committee decided to follow the principle of (six) electoral groups used within UNESCO organs as a basis for the distribution of seats. So, subsidiary organs of the Committee usually have six members, one for each of the electoral groups. The Intergovernmental Committee has 24 seats and each of the six groups at any moment has at least three seats in the Committee, the remaining six being distributed over the electoral groups in proportion to the numbers of States Parties belonging to these groups.

At the moment (2010 – 2012) the distribution of seats is as follows:  
I (Western Europe/North America): 3 seats - Cyprus, Italy, Spain  
II (Eastern Europe): 4 seats - Albania, Azerbaijan, Croatia, Czech Republic  
III (Latin America and the Caribbean): 5 seats - Cuba, Grenada, Nicaragua, Paraguay, Venezuela  
IV (Asia and the Pacific): 5 seats - China, Indonesia, Iran, Japan, Korea  
V(a) (Sub-Saharan Africa): 4 seats - Burkina Faso, Kenya, Madagascar, Niger  
V(b) (Arab States): 3 seats - Jordan, Morocco, Oman

The General Assembly and the Intergovernmental Committee each adopted their own Rules of Procedure, which are included in the Basic Texts of the Convention.

The Bureau of the Intergovernmental Committee is mandated to act in the name of the Committee between Committee sessions. According to Rule 12.2 of the Rules of Procedure of the Committee, the Bureau coordinates the work of the Committee, performs tasks foreseen in the ODs and any others assigned to it by the Committee. At the moment, it is composed of six States – again, one for each of the electoral groups.

At present, the Bureau is composed of Prof. Aman Wirakartakasumah (Indonesia) as Chairperson of the Committee, Mr Ion de la Riva (Spain) as Rapporteur of the Committee, and members from Albania, Nicaragua, and Niger, with Morocco as Vice-Chairpersons of the Committee.

It will remain in place till the end of the 2011 Committee session in Indonesia.

The Committee may also establish ad hoc consultative bodies to be assisted in carrying out its tasks (Article 8.3), as well as subsidiary bodies (Rule 21 of the Committee’s Rules of Procedure). Accredited NGOs (Article 9.1, OD 90 – 99) with recognized competences in the field of ICH may be called upon to advise the Committee.

The UNESCO Secretariat assists the governing organs of the Convention and their subsidiary and/or consultative bodies in the implementation of the Convention, which includes receiving and processing nominations to the Lists and the Register, requests for assistance and reports coming from the States Parties. It also prepares and organizes the meetings of the Organs of the Convention, and the Bureau, and of the various Bodies created by the Committee.

NGOs and other organizations may apply for accreditation under the Convention (using Form ICH 09). These organizations may render advisory services to the Committee, when requested, in the framework of the implementation of the Convention.

The Convention and the ODs encourage States Parties and communities to consult with, and involve NGOs in identifying, defining and safeguarding the ICH in their territory (see for example Article 11(b)). The ODs advocate a large choice of partners in these safeguarding activities: they encourage cooperation not only with NGOs, but also with experts, centres of expertise, research institutes (OD 79 – 89). NGOs and other organizations and individual experts may, of course, assist State agencies and/or communities in various other activities aimed at ICH safeguarding and the implementation of the Convention at the national level.

So far, the General Assembly has accredited about 100 NGOs, following the recommendation of the Committee. Six of them were designated by the Committee to join the first Consultative Body, created in November 2010 to assist the Committee in examining some types of nominations and requests (OD 26).

### Slide 14. Operational Directives

The Operational Directives are guidelines that are meant to help States Parties to implement the Convention on national and international levels. The Committee prepares the ODs that are then submitted for approval by the General Assembly (Article 7(e)). The ODs deal with many different subjects and include regulations and procedures for submitting, examining and evaluating nominations for the Lists and the Register of the Convention and for the use of the Fund of the Convention. The ODs also recommend ways in which States might organize the safeguarding of the ICH present in their territory, thus elaborating Articles 13 to 15 of the Convention, and how they might undertake or promote awareness raising on their territory, another major goal of the Convention.

Unlike the Convention, the ODs may be changed, adapted and enlarged quite easily; any change proposed by the Committee has to be approved by the General Assembly, which meets bi-annually. The ODs are likely to remain work-in-progress. The first set of ODs was approved in June 2008; they were amended, mainly with respect to the regulations and timetable for nominations to the Urgent Safeguarding List, and enlarged in June 2010. It is therefore important to ensure that in implementing the Convention one is consulting the latest version of the ODs.

The ODs are available in Arabic, Chinese, English, French, Russian and Spanish: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026>

### Slide 15. The ICH Fund

Chapter V, Article 20, of the Convention indicates the purpose of international cooperation and assistance as:

* The safeguarding of the heritage inscribed on the Urgent Safeguarding List;
* The preparation of inventories;
* Support for other safeguarding activities; and
* Other purposes the Committee considers important (see OD 67).

Requests for support from developing countries who are States Parties to the Convention will be prioritized; the Fund currently has ample funds available for these purposes.

* The ICH Fund primarily finances international cooperation and assistance as described in chapter V of the Convention;
* In principle States Parties contribute to the fund a proportion (at present 1%) of their contribution to UNESCO; and
* Some States Parties and various organizations make considerable additional contributions.

The issue of international cooperation and assistance is further elaborated in session 5.5 of this course.

### Slide 16. exercise (20 mins): Obligations of States Parties to the Convention

Participants may explore what main obligations States Parties undertake if they ratify the Convention. Ask them to look at their copies of the Convention to see where it says ‘States Parties shall ...’ or States Parties shall endeavour (try) to ...’ do something. Ask them if they can find at least one or two instances of each in Articles 11-15, 26 and 29.

Allow participants 10 minutes reading, then discuss and summarize as follows:

### Slide 17. Obligations of States Parties to the Convention

Countries wishing to ratify the Intangible Heritage Convention need to deposit an instrument of ratification (or of acceptance, approval or accession) with the Director-General of UNESCO. By depositing their instrument of ratification, accession, etc. they accept various obligations and they agree to undertake, or to endeavour to undertake various tasks in pursuit of the safeguarding of the intangible heritage both locally and internationally.

Member States of UNESCO may ratify, accept or approve the Convention, in conformity with their constitutional regulations (Article 32) in order to become States Parties to the Convention. States that are not members of UNESCO and self-governing territories may accede to the Convention (see Article 33 and 2.5).

**States Parties’ main obligation is to safeguard the intangible heritage present in their territory**, across all domains and groups, while trying to involve the communities concerned as much as possible):

Article 11(a) – States Parties shall take the necessary measures to ensure the safeguarding of the ICH present in its territory.

Article 15 – States Parties shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals in safeguarding.

**States Parties also need to identify and inventory this heritage, ‘with a view to safeguarding’:**

Article 11(b) – Each State Party *shall* identify and define the various elements of the intangible cultural heritage present in its territory, with the parti­cipation of communities, groups and relevant non-governmental organizations.

Article 12 – To ensure identification with a view to safeguarding, each State Party *shall* draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

**And States Parties have a few administrative and financial obligations too:**

Article 26 – States Parties *undertake* to pay a contribution into the Fund.

Article 29 – States Parties *shall* submit to the Committee reports on measures taken for the implementation of this Convention.

Note that ‘shall’ is also used in the Operational Directives to underline the States Parties’ obligations to involve, sensitize (build awareness in) and build capacity in the communities concerned in the framework of the implementation of the Convention.

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| OD 23. | Submitting States Parties shall involve the communities, groups and, where applicable, individuals concerned in the preparation of their [nomination] files. |
| OD 81. | States Parties shall take necessary measures to sensitize communities, groups and, where applicable, individuals to the importance and value of their intangible cultural heritage, as well as of the Convention, so that the bearers of this heritage may fully benefit from this standard-setting instrument. |
| OD 82. | In conformity with the provisions of Articles 11 to 15 of the Convention, States Parties shall undertake appropriate measures to ensure capacity building of communities, groups and, where applicable, individuals. |

### Slide 18. Benefits of implementing the Convention (1)

Of course, along with these obligations come benefits from implementing the Convention, both for States Parties, relevant organizations, the general public and the communities concerned. These benefits include:

* Better safeguarding of the ICH nationally, contributing to:
  + Well-being of communities;
  + Respect and understanding between communities;
  + Enhancement of cultural diversity, at both national and international levels; and
  + Sustainable development including appropriate and respectful tourism.

### Slide 19. Benefits of implementing the Convention (2)

States Parties and other stakeholders can also benefit from international cooperation and assistance:

* Joining a world-wide network active in the domain of heritage to share ICH expertise and information internationally;
* Promoting and sharing good safeguarding practices through the Register;
* Having access to international assistance from the Fund of the Convention for safeguarding activities and the preparation of some types of nomination files;
* Nominating elements to the Lists (through States Parties) and – if all goes well - seeing them inscribed;
* Participating in the organs of the Convention; and
* Consolidating good relations with other States Parties and promoting safeguarding of shared heritage through cooperation on the regional and international level, e.g. by inventorying, safeguarding or nominating to one of the Convention’s lists ICH that is shared across international borders.

### Slide 20. Points to remember (1)

* UNESCO’s Intangible Heritage Convention aims to safeguard and promote ICH;
* It should be used to encourage celebration of cultural diversity, human creativity, mutual understanding, and international cooperation;
* The Convention underscores the role of communities of tradition-bearers in the definition, enactment, transmission and safeguarding of their ICH;

### Slide 21. Points to remember (2)

The Convention

* Is managed by two organs: the General Assembly and the Intergovernmental Committee;
* Is provided with Operational Directives to regulate the implementation of the Convention on the international level and advise the States Parties on its implementation on the national and regional level;
* Has two Lists and a Register of Best Practices;
* Has a Fund from which international assistance is provided for safeguarding activities in the widest sense of the word;
* Ratification imposes some obligations on States Parties; and
* Implementation brings benefits to States Parties, communities concerned and other stakeholders.

# IMP 5.3 Lesson plan: Key concepts in the Convention

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| **Title of activity: Implementing the Convention 5.3 – key concepts** |
| Duration: 1.5 hours |
| Objective(s):  Establish fundamental understanding of some key concepts used in the Convention and its ODs: ‘ICH’, ‘communities’, ‘safeguarding’, ‘viability’, inventorying’, ‘awareness raising’, ‘revitalization’, etc. |
| Description:  IMP Presentation 5.3 on key concepts of the Convention   * Word cloud of the Convention * Exercise: ‘Domesticating the Convention. * ‘Intangible Heritage’ as a concept * ‘Communities, groups and individuals concerned’ as a concept * ‘Safeguarding’ as a concept * Case studies / examples:   + Zema liturgical music (Ethiopia)   + The Hudhud chants of the Ifuago (Philippines)   + Vanuatu sand drawings (Vanuatu) |
| Supporting documents  IMP Presentation 5.3 plus narrative  Hand-out 5.3 – Key Concepts Hand-out |

**Notes and suggestions:**

The facilitator may show the Presentation and discuss with participants the key concepts presented there. This session may also be run almost wholly as a small-group discussion session, in which participants debate the definitions of some of the key concepts in their groups and discuss how these concepts might be used and translated in their local context.

Reference should be made wherever possible to relevant articles of the Convention and its ODs. Brief discussions of key terms are available in the Key Concepts Hand-out (5.3). Participants should be encouraged to go through the Key Concepts Hand-out and review it as needed during the workshop.

Some of the concepts, such as ICH, may already have been discussed in session 5.1 or 5.2 and may therefore be covered in less detail in this session. Concepts of community and safeguarding will receive detailed attention in later sessions (5.7 and 5.10 respectively) so discussion of these terms can be relatively brief.

Do try to avoid the term ‘definitions’ for explanations given in the Key Concepts Hand-out. The Key Concepts Hand-out does not offer ‘official’ definitions: there are no official definitions other than those occurring in the Convention.

The exercise (about 20-30 mins) at slide 5 is called ‘Domesticating the Convention: Translating key concepts occurring in the Convention into the working languages of the countries represented at the workshops may lead to a better understanding of these concepts. This may include a discussion about how to avoid undesirable connotations in translated terms that are not in the spirit of the Convention (e.g. connotations of masterpieces, authenticity or freezing in words describing ICH).

The exercise on identifying domains (10 mins) at slide 10 is intended to illustrate the difficulty of classifying ICH into a single domain and the existence of disputes in some cases about the domains to which a specific element might belong.

# IMP 5.3 Presentation: Key concepts in the Convention

Presentation removed to reduce file size

# IMP 5.3 Narrative: Key concepts in the Convention

### Slide 1. Key concepts

In the previous session, participants discussed main aims, principles and mechanisms of the Convention. This session will introduce some of the key concepts used in the Intangible Heritage Convention in greater detail.

These concepts are also included in the Key Concepts Hand-out (Hand-out 5.3). Do try to avoid the term ‘definitions’ for explanations given in the Key Concepts Hand-out.

### Slide 2. Word cloud of the Convention

Here is a word cloud of the Convention, the size of each word showing the frequency with which it appears in the Convention text. It is not surprising that ‘States Parties’, ‘intangible cultural heritage’, ‘Convention’, ‘UNESCO’, ‘safeguarding’, ‘General Assembly’, and ‘Committee’ are the most frequently used words in the Convention.

The Convention is an agreement between States Parties, administered by UNESCO. The organs of the Convention, discussed in the previous session are the General Assembly and Intergovernmental Committee. These bodies are responsible for various aspects of the implementation of the Convention, so they are mentioned very frequently. The Convention text focuses on safeguarding intangible heritage, thus ‘intangible heritage’, and ‘safeguarding’ are also mentioned quite often.

Some words are mentioned less frequently in the Convention text but are still extremely important in understanding how the Convention is to be implemented: among them community, group, individual, practitioner, tradition-bearer, sustainability, viability, threats and risks. In this session, we’ll discuss a few key concepts used in the Convention and – for that matter – the Operational Directives, focusing on intangible heritage, safeguarding and communities.

### Slide 3. In this presentation …

More about the Convention:

* A flexible instrument
* Domesticating the Convention

Terms to be discussed:

* Intangible Heritage; elements
* Communities, groups and individuals
* Safeguarding
* Threats and risks
* Inventorying
* Awareness raising
* Revitalization

### Slide 4. The Convention - A flexible instrument

It should be stressed that the Convention is a text representing a consensus - the product of many compromises. It is a flexible instrument that leaves a lot of freedom to the States Parties as to how to implement the Convention and how to interpret certain key concepts that are used, but not defined (or not exhaustively defined), in the Convention.

Those who prepared the text of the Convention realized that the ICH, its functions in society, and our ways of thinking about it, differ from region to region and from country to country, if not from community to community. They also knew perfectly well that the ICH constantly changes.

This has led to a Convention text containing few strict obligations, many recommendations and open definitions. As will be seen later on in this session, the definition of ICH developed for the purpose of the Convention is an open one, which, however, does introduce a few thresholds: it is in fact easier to determine when an element does not meet the definition of ICH than when it does. The few classifications given in the Convention are not exhaustive; this applies as much to the list of ICH domains presented in Article 2.2 as to the list of safeguarding measures presented in Article 2.3. There are important terms used in the Convention that are left undefined, including the ‘communities, groups and individuals’ who have to play a key role in the implementation of the Convention.

At the time of the preparation of the Convention, in 2002, a glossary was prepared to explain a number of important terms occurring in the draft texts of the Convention circulating at the time. After ample discussion it was decided that the glossary would not be attached to the text of the Convention. The Committee decided in 2006 that they wished to continue this flexible approach towards the terms used in the Convention. The 2002 glossary is somewhat out-dated: some of the terms it defined did not find their way into the Convention; some terms in the Convention were not included in the 2002 glossary. The Key Concepts Hand-out (Hand-out 5.3) provided with this course gives non-authoritative explanations and background information for terms used in the Convention and the Operational Directives.

The terms figuring on the previous slide will be discussed in this session.

### Slide 5. Domesticating the Convention

Since more than 130 States have already ratified the Convention, the key concepts of the Convention are discussed in many languages and in many different contexts. UNESCO publishes the text of the Convention in six different languages: Arabic, Chinese, English, French, Russian and Spanish (and these are all equally authoritative versions, Article 39). It has also been translated into 25 more languages.

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00102>

It is useful for participants to know that most of the text of the Convention was originally drafted in French, and to a lesser extent in English.

The expression ‘intangible cultural heritage’ has been translated into many different languages too (refer to slide).

In some languages acronyms have been invented for the term ‘ICH’. For example in Setswana (Botswana), the acronym NEST (standing for Ngwao e e sa Tshwaregeng - heritage that is intangible) is used. A local poet, who was also a committee member on a district-level ICH Committee, developed the NEST concept.

New concepts – and especially concepts with open definitions – gain different connotations when translated into other languages, of course. New terms should be discussed and debated in relation to the few definitions given in the Convention.

It is of the utmost importance that the Convention be translated in as many languages as possible. This process may help people in different regions and countries to reflect on the concepts used in the Convention and how they can be applied to their own contexts. That will give people interested in the safeguarding of their ICH, or of ICH in general, better access to the Convention and its ideals and it will facilitate capacity-building for safeguarding on the national or local level. Encouraging communities and other stakeholders interested in safeguarding ICH on the national level to discuss the Convention, its main concepts and objectives, in their own languages, should be part of capacity-building (see OD 81 and 82).

### Exercise (25-30 mins): domesticating the convention

Let participants think about translating the terms ‘intangible heritage’ and ‘community’ into official or national languages of their countries (other than Arabic, Chinese, English, French, Spanish or Russian). Through this exercise participants should understand the importance, but also the difficulty, of translating the ideas behind the Convention, and the importance of understanding the background to a concept in order to ‘domesticate’ it.

Participants discussing the translation of ‘ICH’ into other languages may wish to consider whether in translation the concept:

* Excludes ICH no longer practised (note: the Convention excludes from the definition of ICH all forms that are no longer practised);
* May include ICH of immigrant and nomadic communities (note: the Convention does not exclude such ICH in its definition);
* Has connotations similar to ‘(traditional) folklore’ in English (old, unchanging, etc., which would not be compatible with the Convention’s definition of ICH); or

Participants should be reminded that although other related concepts may continue to be used in various languages and contexts, the definition of ICH given in the Convention is authoritative in nominating elements to the Lists, applying for funds etc.

In some national or local contexts, other terms (such as ‘folklore’, ‘spiritual culture’ or ‘popular culture’) are used for ‘ICH’. Such terms are often more inclusive than ‘ICH’ as understood by the Convention, covering a wide range of practices or expressions, including those that do not conform to the definition of ICH in the Convention. These more general terms can be used to describe practices or expressions in the local context, but when referring to ICH as defined under the Convention (for example, when submitting a nomination to one of the Lists of the Convention), it is preferable to use a local translation of the term ICH, even if a new term has to be invented for this purpose.

### Slide 6. Intangible Heritage (sub-heading)

### Slide 7. The Convention’s definition of Intangible Heritage – 1

The first sentence of the definition provided in Article 2.1 of the Convention says that ICH consists of practices, representations, expressions, knowledge and skills that the people concerned (communities, groups and individuals) recognize as part of their cultural heritage.

It is important to notice that the people concerned are the ones who are entitled to recognize what belongs and what does not belong to their cultural heritage. Other groups such as government officials or outside experts cannot decide for a community that a given expression or practice belongs to their cultural heritage. No-one can force them to safeguard it if they do not wish to do so. In line with this, Article 11(b) stipulates that the ICH should be identified and defined with the participation of the communities and groups concerned, assisted by relevant NGOs. Later on we will discuss the expression ‘*communities, groups and individuals’*.

The main focus in this first sentence is on phenomena that are enacted and transmitted by people: *practices, expressions, knowledge and skills*.

Interestingly, *associated instruments, objects, artefacts and cultural spaces* are also included in the definition. They are, however, only part of the definition of ICH in their *association* with ICH practices; they need not have separate tangible heritage value. The Convention wishes to safeguard and promote processes rather than tangible products that result from processes.

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| At the session of the Committee in Nairobi (2010) it was felt that objects could not be the main focus of an inscription on the Lists of the Convention; accordingly, the name of one of the nominated elements was changed (from ‘The Azerbaijani Carpet’ to ‘The traditional art of Azerbaijani carpet weaving in the Republic of Azerbaijan’). |

### Slide 8. The Convention’s definition of Intangible Heritage – 2

The main message in the second sentence of the definition in Article 2.1 of the Convention is that ICH is

* Transmitted from generation to generation
* Constantly recreated; and
* Provides people with a sense of identity and continuity.

In other words, intangible heritage is living heritage, enacted and performed by people using their bodies and minds; carrying a group’s identity and values along with it, it gives them a sense of continuity and identity.

ICH elements have a history of practice and significance but most importantly they have a current function and meaning to the people who practice them. ICH is passed down through the generations and shared between peers.

A practice or expression could be considered intangible heritage in terms of the Convention if it has been transmitted for a few ‘generations’ within a specific group or community. In terms of the Convention, once the condition of inter-generational transmission has been satisfied, it is immaterial whether the practice or expression was first invented by this group or community, or adopted and adapted from practices in other communities.

The Convention does not specify numbers of generations, or give a definition of what constitutes inter-generational transmission. ‘Generations’ for example does not necessarily imply a span of time of 20 to 25 years: in age-grading systems, or master-apprentice relations the gap between generations may be much shorter or, occasionally, larger. Children’s games for example may be transmitted by older children to only slightly younger children; young men and women who marry into new cultural contexts learn new cultural and social practices not only from older people, but also from their peers. In various societies epic songs are transmitted by skilled older people to younger people, some of whom may be young enough to be their grandchildren.

ICH elements change over time, responding to new situations, but they are often also enacted or performed in a wide variety of ways at any one time. In fact, two consecutive enactments of the same ICH element will not be exactly the same, even when performed by the same people.

Practices and expressions with a totally fixed form and content, i.e. elements frozen in time that are not ‘constantly recreated in response to the environment’, are not considered to be ICH under the Convention. Documentation of an element in the framework of the implementation of the Convention, such as documentation in an inventory, should take into account the variation of its forms and of its functions. Establishing canonical, ‘authentic’ or ‘better’ versions is not in the spirit of the Convention.

ICH contributes greatly to cultural diversity and its enormous variety and ever-changing forms and functions are testimony to human creativity. Safeguarding ICH will enhance cultural diversity and human creativity.

### Slide 9. The Convention’s definition of Intangible heritage - 3

ICH profoundly affects communities, and plays a role in relations between communities; it may also affect the environment, and vice versa, so it’s important to look at the quality and consequences of these interactions. In the preamble of the Convention intolerance is mentioned as one of the factors that may endanger ICH. Participants can probably think of examples in which there is no respect for another group’s ICH, or where ICH practice complicates relationships between different communities. So, it is not surprising that the definition states that under the Convention, ICH can only be taken into account when it:

* Is compatible with the requirements of existing international human rights instruments, and of sustainable development, and
* Promotes *mutual respect* between communities, groups and individuals.

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| At the fifth session of the Committee (Nairobi, 2010) the Committee made it clear that elements of ICH that refer to actual or past conflicts between groups or communities should not be inscribed on the Lists of the Convention or otherwise be taken into account in the framework of the implementation of the Convention on the international level. |

The Convention’s definition of ICH also mentions ‘the requirements of sustainable development’. Practices and expressions that hinder sustainable development, for instance by exhausting natural resources, or by impairing the socio-economic development of the group concerned, are not considered ICH under this Convention. Many ICH practices and knowledge contribute to the development of education, agriculture, social relationships, environmental sustainability and income generation within a community.

**Sustainability** in this context also means being able to practise and transmit the element in the present without compromising the ability of future generations to practise and transmit it in the future.

These limitations on what ICH can be taken into account in the implementation of the Convention help to ensure that the impact of safeguarding ICH is a positive one for everyone. This definition of intangible heritage is in line with UNESCO’s broader objectives of promoting peace, human rights and sustainable development.

### Slide 10. Domains

The list of domains presented in Article 2.2 of the Convention does not pretend to be exhaustive, but it gives a clear idea of some major areas in which the ‘practices, representations, expressions, knowledge and skills’ mentioned in the definition of ICH, may manifest themselves. Five broad ‘domains’ for intangible heritage are presented:

1. Oral traditions and expressions such as story-telling, oral poetry, songs, proverbs, riddles, epic poems; language in this non-exhaustive list is mentioned only as a vehicle of ICH;
2. Performing arts, such as traditional songs, music and dance;
3. Social practices, rituals and festive events; such as those linked to the agricultural and pastoral cycles, to highlights in the lives of groups and individuals; popular festivities often linked to specific places, such as carnivals;
4. Knowledge and practices concerning nature and the universe, such as traditional healing, knowledge about herbs and their application, water management systems, star-guided navigation, or astrology, and greeting ceremonies; and
5. Traditional craftsmanship: the knowledge and skills involved in crafts, from pottery to mask-making and from vernacular architecture to weaving.

To reiterate, this list is not intended to be exclusive, complete or definitive. What is more, elements of intangible heritage may – and, indeed, often do - fall under several of these domains. Take, for example, an element like the traditions and practices associated with the Kayas of the Mijikenda in Kenya, that involves traditional music and dance, prayers and songs, the production of sacred ritual objects as well as ritual and ceremonial practices and an acute awareness and knowledge of the natural world.

See <http://www.unesco.org/culture/ich/index.php?USL=00313>

What may seem to an outsider to fall into one domain of intangible heritage may be classified under different domains by different people, even within the community concerned. One community member, for example, might view their chanted verse as a form of ritual, to be classified under social practices; another would interpret it as song, to be classified under performing arts, or maybe under oral traditions. There may also be different opinions as to classification in sub-domains: what some may define as ‘theatre’ might be interpreted as ‘dance’ in a different cultural context.

States and institutions have in many cases been using different systems of classification of their intangible heritage, both before and after ratification of the Convention. Some have added further domains or new sub-categories to the Convention’s domains, such as ‘traditional play and games’, ‘culinary traditions’, ‘animal husbandry’, ‘pilgrimage’ or ‘places of memory’. During its session in Nairobi, the Committee inscribed a number of culinary traditions on the Representative List.

**Note on the question of language and religion:**

Many intangible heritage elements depend heavily on the language traditionally used by the community concerned, in oral traditions and expressions, but also in songs and most rituals. The spoken word (‘orality’) is of course important in the enactment and transmission of virtually all intangible heritage.

Bearers of specific ICH may use highly specialized sets of terms and expressions, or specific registers of a given language. For the safeguarding of such ICH it may be necessary in the first place to develop safeguarding measures for the use and transmission of such language registers. The Committee has not yet had to deal with a nomination of a language or an assistance request concerning its safeguarding.

The question of language was discussed at great length during the preparation of the Convention. Everyone agreed that language is at the core of ICH and that natural languages in principle meet the definition of ICH given in Article 2.1 of the Convention; a minority of UNESCO Member States advocated taking up language as a separate domain in the list provided in Article 2.2.

A majority of Member States, however, did not want language to figure as a domain in its own right in the list provided in Article 2.2 of the Convention.

Many States are just not in a position to safeguard all languages spoken within their borders (indeed, there are many countries with over a hundred indigenous languages). The holistic safeguarding of a language, informed nowadays by a large body of research and experience in this field, is a complicated and expensive affair. States where many languages are spoken often lack the resources to document and promote all these languages through research, curriculum integration, the media and publications, so as to safeguard that diversity. Many other States don’t wish to encourage the extensive use of languages other than their national or official languages.

There is a UNESCO Atlas of the World’s Languages in Danger which aims to raise awareness about the on-going loss of linguistic diversity, but which is not associated with a standard-setting text or safeguarding programs.

<http://www.unesco.org/culture/languages-atlas/>

Similarly, many belief systems, if tolerant of other beliefs, will comply with the definition of ICH in Article 2.1 (knowledge and practices concerning nature and the universe figures in the domains under Article 2.2). There is also much intangible heritage that has spiritual aspects to it. However, organized religions cannot be specifically nominated as elements to the Convention, and ICH elements relating to religious traditions are normally presented as belonging under domain (d).

Since States have very different linguistic and religious policies, it would have been impossible to reach consensus on more precise recommendations about the place of language and belief systems in the list of domains in the Convention. An attempt to define the concept of communities or groups would have met with similar problems and would have significantly delayed the elaboration of the Convention.

### Exercise on domains (10 minutes)

To illustrate these points ask participants to mention various examples of intangible heritage and see if participants can reach agreement on one or more domains into which they could potentially be classified.

### Slide 11. Zema liturgical music

A form of liturgical music distinctive to Orthodox Christian Ethiopia, Zema is performed at various religious ceremonies such as the monthly celebration of Gabra Manfas Qedus, a local saint. While the singers wear simple white cloths, the priests pictured here, gathered in front of the Saris ’Abo church in Addis Ababa, wear sumptuous costumes and carry covered icons on their heads.

**Further information:**

*Ethiopian Christian Liturgical Chant: an anthology*, 3 vols, edited by Kay Kaufman Shelemay and Peter Jeffery (1993, A-R Editions Inc.).

<http://books.google.co.uk/books?id=DgJekXyACmgC&lpg=PP1&ots=hkpWfHw2AI&dq=Ethiopian%20Christian%20liturgical%20chant%3A%20an%20anthology&pg=PP1#v=onepage&q&f=false>

This element has not been inscribed on any Lists of the Convention, but that does not make it any less important than those that have been inscribed. ICH elements with religious or sacred aspects to them that have been inscribed on the Lists of the Convention include the ‘Hopping Procession of Echternach’ (Luxembourg), the ‘Semah, Alevi-Bektaşi ritual’ (Turkey), the ‘Carnival of Oruro’ (Bolivia), the ‘Ramman: religious festival and ritual theatre of the Garhwal Himalayas’ (India) and the ‘Ahellil of Gourara’ (Algeria). Information about these elements is available from the Convention’s website:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011#results>

### Slide 12. The Hudhud Chants of the Ifugao

As mentioned above, many elements of intangible heritage could be classified under a number of domains.

One example of this is the Hudhud Chants of the Ifugao (the Philippines), inscribed on the Representative List in 2008, which could be classified variously under oral expressions, ritual practices, and knowledge about nature and the universe.

The Hudhud consists of narrative chants traditionally performed by the Ifugao community, which is well known for its rice terraces extending over the highlands of the northern island of the Philippine archipelago. The chants are sung during the rice-sowing season, at harvest time and at funeral wakes and rituals. The chants are mainly about ancestral heroes, customary law, traditional practices and religious beliefs.

The Hudhud epic is chanted alternately by the first narrator and a choir, employing a single melody for all the verses. Transmitted orally, the chants are narrated mainly by elderly women who hold a key position in the community, as both historians and preachers. Thought to have originated before the seventh century, the Hudhud comprises more than 200 chants, each divided into 40 episodes. A complete recitation may last several days.

The conversion of the Ifugao to Catholicism has weakened their traditional culture. Furthermore, the Hudhud is linked to the manual harvesting of rice, which is now mechanized. Although the rice terraces are listed as a World Heritage Site, the number of growers has been in constant decline. The few remaining narrators, who are already very old, need to be supported in their efforts to transmit their knowledge and to raise awareness among young people.

More information:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00015>

### Slide 13. Vanuatu sand drawings (Vanuatu)

When speaking about ICH oral and musical performance, dance, ritual and public festivities often take centre stage. ICH also includes social practices, knowledge about nature and the universe, and skills and crafts. It also includes traditional games, a domain not mentioned in the Convention.

One example of a skill without lasting products, and one that again covers several domains, is the element ‘Vanuatu sand drawings’, inscribed on the Representative List in 2008.

Sand drawing served as a means of communication among the members of some 80 ethno-linguistic groups in Vanuatu. It is still practised, although less frequently than before, and new methods are now used for transmitting the skill to younger members of the community.

Situated in the South Pacific, the Vanuatu archipelago has preserved a unique and complex tradition of sand drawing. This multifunctional ‘writing’ is more than an indigenous artistic expression and it occurs in a wide range of ritual, contemplative and communicative contexts.

The drawings are produced directly on the ground, in sand, volcanic ash or clay. Using one finger, the drawer traces a continuous meandering line on an imagined grid to produce a graceful, often symmetrical, composition of geometric patterns. This rich and dynamic graphic tradition has developed as a means of communication among the members of some 80 different ethno-linguistic groups inhabiting the central and northern islands of Vanuatu. The drawings also functioned as mnemonic devices to record and transmit rituals, mythological lore and a wealth of oral information about local histories, cosmologies, kinship systems, song cycles, farming techniques, architectural and craft design, and choreographic patterns. Most sand drawings possess several functions and layers of meaning: they can be ‘read’ as artistic works, repositories of information, illustrations for stories, signatures, or simply messages and objects of contemplation. A master sand drawer must therefore possess not only a strong knowledge of graphic patterns but also a deep understanding of their significance. In addition, sand drawers should have the ability to interpret the drawings for spectators.

As attractive symbols of Vanuatu identity, the drawings are often showcased as a form of decorative folklore for tourists and other commercial purposes. If left unchecked, this tendency to appreciate sand drawings on a purely aesthetic level may result in the loss of the tradition’s deeper symbolic significance and original social function.

Safeguarding measures are being implemented, aiming to encourage the practice of sand drawing in a meaningful way within the communities concerned.

Further information:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00073>

### Slide 14. Communities (sub-heading)

### Slide 15. Defining the community concerned

The Convention repeatedly uses the terms ‘communities, groups and, in some cases/where appropriate, individuals’, without specifically defining them. The preamble to the Convention says that ‘communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity’.

Article 15 refers to communities, groups and individuals concerned as those who ‘create, maintain and transmit’ their ICH. Under the Convention, the ‘communities, groups and individuals’ concerned are those people who participate directly or indirectly in the practice and/or transmission of an ICH element (or a set of elements) that they consider to be part of their cultural heritage (Article 2.1). In a few instances the Convention speaks only of ‘communities and groups’ (Articles 11(b) and 14(a)(ii)).

The Operational Directives also make frequent use of these terms, introducing the terms ‘tradition bearers’ and ‘practitioners’ - people having specific tasks in a community or group in the enactment and transmission of ICH.

A full discussion of the ways in which the Convention and ODs foresee the involvement of the communities, groups and individuals concerned in the implementation of the Convention is provided in session 5.7.

The governmental experts who prepared the text of the Convention in 2002-2003 were happy to leave these concepts undefined. If they had tried to define them, they might not have finished drafting the text in 2003, or even several years after that.

Most States show considerable cultural and ethno-linguistic diversity and deal with this diversity in different ways. States, often strongly centralized ones, that are engaged in intensive nation building or nation consolidation may not be interested in having outsiders (or a Convention) prescribe how they should define and deal with communities, and/or groups. Some States recognize indigenous communities, for example, whereas others don’t. States that have just emerged from a difficult period of internal problems usually wish to focus on common identities rather than internal differences.

Another reason for the lack of a formal definition is that it is not easy to define a community either in general terms, or indeed within the specific framework of ICH safeguarding.

Communities and groups associated with one or more ICH elements are fluid – not fixed - groupings of people. People may join or leave these groupings at various stages during their lifetime. Some communities and groups are more formalized and more strictly organized than others.

People within a group or community can have different roles in the enactment of their ICH, for example, as practitioner, as custodian, as transmitter, or as audience. Some ICH groups are very small and well defined (such as the group of practitioners of a specific healing tradition or craft, or one family of puppeteers). Other groups are larger and less well defined, including townspeople celebrating carnival, audiences for festivals and community members attending ritual events who enjoy assisting in these events as part of experiencing and living their cultural heritage, and feeling a sense of community, for example.

States have defined ‘communities and groups concerned’ in different ways for the purpose of inventorying the ICH present in their territory. For example, communities can be defined according to administrative, geographical, ethno-linguistic, religious or other criteria. The people engaged in the practice and/or transmission of their ICH, who should in the first place be identifying the communities and groups concerned, can define these groupings in different ways too, for example relation to factors such as their language, a specific ICH element, or a set of such elements. People can thus be part of different communities at the same time.

The Convention allows for the definition of ‘communities, groups and individuals concerned’ either in terms of existing definitions (by the State or the people themselves) or in terms of the enactment and transmission of a specific ICH element or set of elements.

### Slide 16. The relationship

There is thus a close relationship between an ICH element and the ‘communities, groups and individuals’ concerned. They are involved in the enactment and transmission of the ICH; without them the ICH does not manifest itself. They are the masters of their ICH. Practising and transmitting their ICH, and safeguarding it where necessary, contributes not only to the viability of their ICH but also through that to their sense of identity and continuity, their well-being and development, and also to the sustainability of their environment.

The Convention and the ODs fully recognize the crucial role communities are playing, or have to play, in safeguarding their ICH:

**Article 15**

… States Parties shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

In session 5.7, participants will hear more about, and have the opportunity to discuss, the involvement of the communities, groups and individuals concerned in all actions concerning their ICH that are undertaken in States Parties to the Convention.

### Slide 17. Safeguarding (sub-heading)

### Slide 18: Safeguarding concepts

Safeguarding means ensuring the viability of the ICH (Article 2.3 of the Convention): its potential to be enacted, developed and transmitted in the present and the future, and to remain significant to the community, group or individuals concerned.

Safeguarding measures aimed at ensuring the viability of specific elements of ICH have to address threats and risks to the viability of an element.

**Threats** to viability are current problems hampering the enactment and transmission of the element. **Risks** are anticipated future problems.

Not all intangible heritage should be – or indeed can be – safeguarded, or revitalized. If certain the community or group concerned no longer considers elements of intangible heritage relevant or meaningful, they can probably not be safeguarding, although they may then be recorded, if necessary, before they stop being enacted. Without a strong motivation and commitment on the side of practitioners and other tradition bearers safeguarding actions (in the sense of the Convention) cannot but fail.

### Slide 19: Key safeguarding measures

Safeguarding measures are deliberate activities aiming to address threats and risks to the viability of an ICH element. According to Article 2.3 of the Convention, safeguarding measures may include ‘identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization’ of ICH. Article 11(b) adds ‘definition’ of ICH to this list of safeguarding measures, Article 12.1 ‘inventory making’. Capacity building (for safeguarding, Article 13(d)(i) and 14(a)(iii)), education (Article 14(a)(i), (ii) and (v)) and awareness raising (Article 14(a)(i) and Article 1(c)) are more general measures mentioned in the Convention and the ODs.

This list of measures, just like the list of domains given in Article 2.2 of the Convention, does not pretend to be complete and of course many safeguarding actions could be classified under several of these measures at the same time. In any real situation, the threats and risks to the viability of an ICH element determine the appropriate safeguarding actions. The category of safeguarding measures in the Convention to which these actions may belong is a matter of secondary importance. Examples of safeguarding measures will be discussed in session 5.10.

These measures are defined more fully in the Key Concepts Hand-out. Three of these terms are of particular interest here: inventorying, revitalization and awareness raising.

**Inventorying,** together with identification and definition, is a major obligation of States Parties under the Convention (Article 11 and 12 of the Convention). In session 5.6, inventory-making will be properly introduced. Suffice it here to say that inventoryingmeans collecting and presenting information on ICH elements in a systematic way. An inventory can be disseminated as a paper list, a multimedia database or another type of publication. Inventorying should be done with the participation of the communities or groups concerned. States Parties may organize ICH inventories in whatever manner seems most appropriate to them. Inventories may have various goals; contributing to safeguarding and awareness raising are probably the most important of them. The Convention requires inventories to contribute to the safeguarding of elements on them.

**Revitalization** of ICH means the strengthening of ICH practices and expressions that are seriously threatened. In order to do so, the ICH should demonstrate at least some degree of vitality within the community or group concerned or it has ceased to be ICH as defined by the Convention. Under the Convention, restoring and strengthening ICH that is weak and endangered – i.e. revitalization – is welcomed as a fundamental safeguarding measure; the resurrection of extinct elements, also called revival, falls outside the scope of the Convention.

**Awareness raising** involves encouraging the parties concerned, including people within the communities concerned, to recognize the value of intangible heritage, to respect it and, if this is in their power, to take measures to ensure its viability. Activities may include dissemination of information about the element, and its value to the communities concerned, for instance through the media.

The Convention and its Operational Directives encourage continued enactment within communities and groups, and transmission of ICH over generations, rather than just the creation of cultural products or performances.

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| Sometimes, economic interests are already very important in the practice and transmission of an intangible heritage element, as for example when traditional knowledge and craft constitute the livelihood of a group of practitioners, or when musicians are remunerated for performing at weddings, courts, etc. The economic value of the element helps to sustain it over time, just as much as its cultural value does. New forms of economic value can be introduced - this is acceptable when it contributes to the safeguarding of an element in a way that is welcomed by the communities and groups concerned.  Increased economic value of an element need not be detrimental to the viability of the element. Change in the practice and transmission of intangible heritage is normal and often inevitable to ensure its continued relevance to the communities concerned in a changing world. Tourism or craft production can for example encourage, enable or even happen in parallel with the enactment and transmission of intangible heritage by and for the communities concerned. However, when the introduction of new audiences or markets and new products becomes a goal in itself, with actual or potential adverse effects on the safeguarding of the element in its community context, we use the term **commercialization**.  Sometimes the intangible heritage experience is ‘packaged’, or abridged for presentation to tourists and other paying audiences. It may thereby be **decontextualized**, i.e. taken out of its context, in what the communities concerned might consider unacceptable ways. This could happen, for example, when selected parts of a musical tradition or oral poetry are staged by professional groups in theatres while the community concerned is told that their performance in a village setting, using the full repertoire of music or poetry, is not marketable, sufficiently attractive or professional. Such actions might have an adverse impact on the function or values of the element within the community concerned and thus diminish their interest in its continued practice.  The Convention’s emphasis on transmission within the communities or groups concerned is the reason why the Operational Directives state that ‘All parties are encouraged to take particular care to ensure that awareness-raising actions will not de-contextualize or denaturalize the intangible cultural heritage manifestations or expressions concerned’ (OD 102).  If an element is seriously threatened and can no longer be safeguarded as a practice or expression practised by a community that identifies with it, one or more of the performers may transform it into a modern art form that they develop further outside the community context and thereby earn their income. Under these circumstances the element would probably no longer be considered ICH in terms of the Convention. |

### Slide 20. More safeguarding measures

Other safeguarding measures mentioned in the Convention include the following:

Documentation, research

Identification, definition

Preservation, protection

Promotion, enhancement

Transmission, e.g. through education

**Documentation** consists of recording ICH in its current state and variety, through transcription and/or audio-visually, and collecting documents that relate to it.

**Research** aims at better understanding of an element of ICH, or a group of elements, through an exploration of its forms, social, cultural and economic functions, practice, modes of transmission, artistic and aesthetic features, history and the dynamics of its creation and re-creation.

**Transmission** of ICH occurs when practitioners and other tradition bearers within a community pass on practices, skills, knowledge and ideas to others, usually younger people, in formal or non-formal ways. The continuation of vibrant traditional ways of transmission within a community is not considered a safeguarding measure.

If, however, the transmission of an element within a community or group is impaired or threatened, safeguarding measures may be necessary to enhance the transmission process, or to develop new ways of transmission. This may include introducing more formalized or professionalized modes of transmission, for example in schools. If the children taught are from the community where the ICH is traditionally practised, teaching traditional songs at school could, for example, be a safeguarding measure helping to ensure that a practice does not die out. For general awareness raising among different communities, other types of curriculum material may be necessary.

For further discussion of these measures see session 5.10.

### Slide 21. The role of Communities in safeguarding

The communities and groups (and where relevant, individuals) concerned are the main stakeholders responsible for the transmission and enactment of ICH. Article 2.1 of the Convention states that it is up to the communities or groups of tradition-bearers to determine whether a given practice or tradition constitutes part of their cultural heritage, or not. They are best placed to determine whether a specific practice or expression is crucial for their identity or sense of continuity.

This is why States Parties are asked to ensure that the relevant communities, groups and individuals (or their representatives) have participated as widely as possible in any activities involving elements of their ICH that are undertaken while implementing the Convention. Article 11(b) of the Convention states that ICH elements are to be identified and defined ‘with the participation of communities, groups and relevant NGOs.’ Article 15 asks States Parties to ensure that communities and groups are fully involved in the safeguarding and management of their own ICH.

This means that the communities, groups or individuals concerned should be fully informed and involved in any request or proposal regarding their ICH that may be sent by States Parties to the Intergovernmental Committee. The Operational Directives of the Convention thus require that for nominations (OD 1 (U4), OD 2 (R4), OD 7 (P5)), and some safeguarding activities (OD 101(b)), States Parties should have obtained the free, prior and informed consent of the communities concerned.

For the nomination of elements to the Lists of the Convention, this means that the communities concerned have freely and voluntarily agreed to the preparation and submission of the file, and the safeguarding measures detailed therein (OD 1 (U4), OD 2 (R4)). The communities concerned should have been given sufficient information and time to make this decision and have been properly informed of the likely benefits and any possible negative consequences of inscription. Without their consent the preparation of a nomination file should not be undertaken, or submitted to UNESCO.

This is discussed further in session 5.7.

### Slide 22. Points to remember

* Intangible heritage is living heritage that is transmitted from generation to generation, from master to apprentice or peer to peer within a community or group context;
* Intangible heritage is always changing due to internal and external factors, such as adaptations to a new environment in the case of migration or climate change, or to changes in the social or cultural environment;
* It is practised by people within a community (who may play different roles in doing so) and who derive from it a sense of identity and continuity; and
* Safeguarding involves assisting communities to continue practising and transmitting their ICH.

# IMP 5.3 Hand-out: Key Concepts

IMP 5.3 Hand-out: Key Concepts

**Authenticity**

**Authenticity** is not a concept used in the Intangible Heritage Convention or its ODs. The Convention deals with living heritage that is constantly re-created; thus, present-day forms of ICH are not considered any less authentic than historical ones. The drafters of the Convention wished to avoid the creation of hierarchies between any two elements of ICH based on external judgments of authenticity, integrity, age or originality.

Outside stakeholders, such as the State, experts or professional performers, are not required to make judgments on the right way to perform or enact a particular element, or to decide for the communities concerned what ICH belongs to their cultural heritage, and what does not.

**Awareness raising**

Refer to Articles 1 and 16, ODs 100-123.

**Awareness raising** involves encouraging people, including those within the communities concerned, to recognize the value of ICH, to respect it and, where possible, to take measures to ensure its viability. This is mainly done by giving ICH increased visibility through mass media and official cultural institutions with the participation of communities concerned. The state, the communities concerned, the media, educators, the private sector, and others and other groups can all play a role in awareness raising. Within communities, people (especially younger people) may take their heritage for granted or even ignore it. Awareness raising activities may encourage them to appreciate it more deeply and to safeguard it.

Awareness raising is mentioned in Article 1 of the Convention as one of its main purposes. Article 16 indicates that a major objective of the Representative List of the Convention is ’to ensure better visibility of the ICH and awareness of its importance’.

**Basic texts**

The **Basic Texts** of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage is a paper publication produced by the Secretariat of the Convention. It presents: (1) the text of the Convention, (2) the Operational Directives for the implementation of the Convention, (3) the Rules of Procedure of the General Assembly, (4) the Rules of Procedure of the Intergovernmental Committee, (5) Financial Regulations concerning the Fund of the Convention, and (6) Annexes. All of these documents can also be downloaded from the website of the Convention. Since some of these texts (especially the Operational Directives) are liable to change, it is important to always work with the latest versions thereof.

**Category II Centres**

Refer to OD 88.

**Category II centres** are institutions working under the auspices of UNESCO that coordinate the activities of States on a specific topic across several countries, a broader region or the world. Governments of UNESCO Member States may propose the creation of a Category II centre; when an agreement is reached between UNESCO and the host state, the Centre may be established. Category II centres are independent institutions in the sense that they are neither part of state structures in the host country, nor are they part of UNESCO.

The number of Category II centres in the domain of culture and heritage is on the increase. The first Category II centre for ICH, the Regional Centre for the Safeguarding of Intangible Cultural Heritage in Latin America (CRESPIAL), based in Peru, was established in 2006. In 2010, agreements were signed between UNESCO and Bulgaria, China, the Islamic Republic of Iran, Japan and the Republic of Korea for the establishment of five new Category II centres on aspects of ICH safeguarding.

OD 88 encourages States Parties ’to participate in activities pertaining to regional cooperation, including those of Category II centres for ICH that are or will be established under the auspices of UNESCO’.

**Commercialization**

Refer to ODs 102(e), 107(m), 116, and 117.

In many cases, the practice and transmission of an ICH element has been integrated into the economic activity of the communities or groups concerned for years. For example, traditional knowledge and craft may constitute the livelihood of a group of practitioners, or musicians may be remunerated for performing at weddings, etc. This economic value associated with the practice and transmission of an element helps to sustain it over time, as do its other values. When trying to revitalize an element, new forms of economic value can be introduced, in particular if its practice and the transmission require a considerable investment in terms of time or means.

Increased economic value generated by the practice or transmission of an element, or by creating awareness about it, need not be detrimental to its viability. However, when the introduction of new audiences, markets and products becomes a goal in itself, we call this **commercialization**; when commercialization leads to adverse effects on the viability of the element in its community context, the term ‘**over-commercialization**’ is used (see OD 102(e)).

**Community, Group, IndividualS**

Refer to Preamble, Articles 11, 15; many ODs.

The Convention and ODs repeatedly mention the ‘**communities’, ‘groups’** and - ‘in some cases’ or ‘where appropriate’ – ‘**individuals’** that practice and transmit the ICH. They are to be involved in all activities concerning their ICH undertaken in the framework of the implementation of the Convention. The Preamble to the Convention says that ‘communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity’.

Communities, groups, and individuals are not defined in the Convention. The Convention does not indicate how to differentiate between communities and groups; some interpret groups as consisting of people within a community, or across communities (such as practitioners, guardians or tradition bearers) who have special knowledge of a specific element, or a special role in the transmission or enactment of ICH.

For the purposes of the implementation of the Convention, States Parties define communities according to various criteria, for example administrative, geographical, occupational, religious or ethno-linguistic criteria. And communities may define themselves in these ways. Communities, groups or individuals can also be defined – or may define themselves - in relation to a specific ICH element, or to a set of such elements.

Communities (and groups) are fluid entities - people can join and leave them; people can also be part of different communities at the same time. Communities are generally not homogeneous and within a community there may be different opinions about matters related to ICH identification, enactment or safeguarding.

Note: in texts about the Convention ‘communities’ is often used instead of ‘communities, groups, and individuals’.

**Decontextualization**

Refer to OD 102(a).

Sometimes the intangible heritage experience is ‘packaged’ or abridged for presentation to tourists and other paying audiences. If it is thereby taken out of its context, this is called **decontextualization**. This could happen, for example, when selected parts of an ICH element are performed for tourists; when performances are timed to the tourist calendar rather than, say, to the harvest calendar; or when performances are staged by professional groups in theatres rather than, say, in the usual village setting. Do note, however, that professionalized ICH elements do exist, and that changes in context and performance do happen in the normal course of events.

Decontextualization of ICH practice and transmission involves change that has an adverse impact on the meaning and function of the element within the community concerned. It may lead to a decline in their interest in its continued practice and the practice may thereby become something that can no longer be considered ICH under the Convention. If a decontextualizing action is initiated within a community and/or generally welcomed by community members, outsiders may point out the potential problems, but should not try to prevent community members from changing or even abandoning their ICH: that is their prerogative.

Because of the Convention’s emphasis on promoting continued practice and transmission within the communities or groups concerned, the Operational Directives state that ‘All parties are encouraged to take particular care to ensure that awareness-raising actions will not de-contextualize or denaturalize the intangible cultural heritage manifestations or expressions concerned’ (OD 102(a)).

**Documentation and research(as safeguarding measures)**

Refer to Articles 3, 13(d)(ii) and (iii), OD 85, 87.

**Documentation** consists of recording ICH in its current state and variety, through transcription and/or audio-visual means, and collecting documents that relate to it. The recordings and collected documents are often kept in libraries, archives or web sites, where interested community members (OD 85, 87) and others may consult them. Access should be regulated in a way that takes into account relevant customary practices (Article 13(d)(ii)).

Some communities and groups have their own forms of documentation of ICH expressions and knowledge such as songbooks, sacred texts, weaving samplers, pattern books, icons or images. In many communities today, people are recording their ICH practices and making them available, often online, to each other and to the public in general. Innovative community self-documentation efforts and programmes to repatriate or disseminate archival documents in order to encourage continued creativity are some of the safeguarding strategies being used today.

**Research** aims at better understanding of an element of ICH, or a group of elements, through an exploration of its forms, its social, cultural and economic functions, its practice, modes of transmission and its artistic and aesthetic features, its history and the dynamics of its creation and re-creation. Research may help in designing safeguarding plans for endangered elements of ICH, but initial safeguarding measures that may remediate obvious problems should not be postponed because of long-lasting historical or comparative studies.

For documentation and research to be considered safeguarding measures, they have to be aimed at furthering the continued practice and transmission of ICH. It is not in the spirit of the Convention to use documentation, research or inventorying to establish one fixed authentic way of performing or enacting ICH.

**Domains of ICH**

Refer to Article 2.2.

Article 2.2 of the Convention says that the ICH, among other things (‘inter alia’), is manifested in the following **domains**:

1. Oral traditions and expressions, including language as a vehicle of the ICH;
2. Performing arts;
3. Social practices, rituals and festive events;
4. Knowledge and practices concerning nature and the universe; and
5. Traditional craftsmanship

This classification is not exhaustive - it just provides examples of ICH domains. Many ICH elements fall under more than one of these domains. States Parties use various systems of classification for the purpose of classifying elements in inventories, sometimes these systems are close to the one presented in Article 2.2, perhaps including a few domains not mentioned there; sometimes they differ widely from the Convention’s classification system.

**Education**

Refer to Articles 2.3, 13(d)(i), 14; OD 107.

**Education**, both formal and non-formal, has always been used for transmitting ICH knowledge, skills and practices. For example, transmission may take place within the family, from parent to child, from master to disciple as part of an initiation rite, or from teacher to pupil in a more or less formal educational setting. Intergenerational transmission is a distinctive feature of ICH and the best guarantee of its viability and sustainability. When traditional transmission systems become less effective or even obsolete, new ways of transmission may be needed. It is in this context that the Convention suggests resorting to new methods of formal and non-formal education for transmitting ICH-related knowledge and skills.

Article 13(d)(i) of the Convention encourages States Parties in fostering ‘the transmission of [intangible] heritage through forums and spaces intended for the performance or expression thereof’. Article 14 encourages States Parties to use education for ensuring ‘recognition of, respect for and enhancement of’ the ICH; OD 107 translates this general suggestion of the Convention into many possible actions.

**Element of ICH**

Refer to Article 11(b) and ODs 1-2.

The Convention often speaks about ICH in general, and sometimes about specific **elements** (or, occasionally ‘items’) of ICH. Elements are presented in inventories (see Article 11(b) about identifying and defining ‘elements of the ICH’ and Article 12.1 about inventories). Elements of ICH are submitted to the Committee for inscription on the Lists of the Convention (see OD 1 and 2).

‘Element’ is not defined in the Convention. An ‘element’ of ICH may be understood to be a social or cultural practice or expression, a specific knowledge or skill recognized by the communities, groups or individuals concerned as part of their cultural heritage. There is no reason – neither in the Convention, nor in the ODs - to assume that objects or spaces associated with practices and expressions or skills should be considered as ICH elements.

Some of the elements submitted to the Lists of the Convention are very broad, encompassing many practices and expressions that might have been presented as elements in their own right. Other elements are quite specific. A carnival may be spoken about as an element, but a well-defined part of it, such as a procession, could also be considered an element, as long as the community concerned agrees to this.

**Emblem of the Convention**

Refer to OD 124 – 150.

Since 2008, the Convention has had its own **emblem** (also called a logo), which should be used in combination with UNESCO’s logo (OD 125).

The use of the two logos is subject to rules (OD 128). Only the Organs and the Secretariat of the Convention have the right to use it without prior authorization. Such authorization may be given to others by the Organs of the Convention and, in specific cases, by the Director-General of UNESCO. The use of the emblem may only be authorized if the project or manifestation concerned is relevant to the Convention’s purposes and in compliance with its principles (OD 134).

**Enhancement – see Promotion and Enhancement**

**Free, prior and informed consent**

Refer to OD 1, 2, 7, and 101(b).

When communities, groups or individuals are involved in the development of a nomination file for inscription of an element of their ICH on one of the Lists of the Convention – including the elaboration of safeguarding measures – they must be in a position to provide, freely and voluntarily, their agreement (consent) to the preparation and submission of the file (OD 1, U.4 and OD 2, R.4). Their **free, prior and informed consent** is also required when a State Party nominates a safeguarding practice for selection as a Best Practice (OD 7, P.5) or when it prepares an awareness-raising activity that concerns the ICH of one or more specific groups (OD 101(b)).

The communities, groups or individuals concerned should be given sufficient information and time to make their decision and be properly informed of the likely benefits and any possible negative consequences of the actions undertaken. Without their consent such actions should not be undertaken.

**General Assembly**

Refer to Article 4.

The **General Assembly** of the States Parties is the sovereign body of the Intangible Heritage Convention (It is not subordinate to UNESCO). All States Parties to the Convention are member. It elects and instructs the Intergovernmental Committee and it has the final word in matters of interpretation of the Convention. The General Assembly meets every second year in the month of June, at UNESCO HQ in Paris. Its Rules of Procedure are published in the Basic Texts of the Convention.

First session: 27 to 29 June 2006; second session: 16 to 19 June 2008; third session: 22 to 24 June 2010. First extraordinary session: 9 November 2006 (all were held in Paris). For reports and resolutions of the GA sessions, and for its Rules of Procedure, see

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00008>

**Identification and definition (as safeguarding measures)**

Refer to Article 2.3, 11(b), OD 80(a) and 90.

Under the Intangible Heritage Convention, **identification** of an ICH element means naming it and briefly describing it in its context and distinguishing it from others. If identifying offers a brief description of an ICH element, **definition** of it provides a fuller description at a specific point in time. Identification and definition of ICH should be done with the participation of the communities and groups concerned, and of relevant NGOs (Article 11(b) and OD 80(a) and 90). Identification and definition follow the **recognition** by the community, group or individuals concerned of a practice, expression, knowledge or skills as part of their cultural heritage (Article 2.1); they necessarily precede the inclusion of information on a specific element in an **inventory** of ICH (Article 12.1).

**Indigenous peoples or communities**

Refer to Preamble.

The Preamble of the Convention speaks about ‘communities, including **indigenous** **communities’** associated with ICH practices. However, indigenous communities are not given special rights vis-à-vis other kinds of communities under the Convention.

There is no generally accepted definition of the term ‘indigenous’. Indigenous communities generally consider themselves to have originated or to be firmly rooted in a certain territory. In many cases their rights to sovereignty over their territory and the practice of their own culture and language were denied to them after colonization. Many indigenous communities are campaigning today for political recognition, territorial rights and/or cultural rights within States or across national borders.

The General Assembly of the United Nations adopted the United Nations Declaration on the Rights of Indigenous Peoples in September 2007, Article 31.1 of which reads as follows:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

The Convention on Biological Diversity, which was adopted by the UN in 1992, also supports this position. Article 8(j) says that each Contracting Party shall, as far as possible and as appropriate:

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Note that most countries in the world, including all States Parties to the Intangible Heritage Convention, have ratified the Convention on Biological Diversity.

**Intangible cultural heritage**

Refer to Article 2.1.

Article 2.1 of the Convention says that for the purposes of this Convention:

The ‘Intangible Cultural Heritage’ is ‘the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage’.

This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them, with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.

For the purposes of the Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

Therefore, ICH that is not recognized by the communities concerned, or that was recently created (i.e. not yet transmitted from generation to generation), or frozen (brought to a standstill, prevented from further change) does not comply with the definition of ICH in the Convention. Neither does ICH that is disrespectful of others, whether individuals or groups of people, or ICH that is incompatible with sustainable development.

**Intergovernmental Committee**

Refer to Articles 5 – 8.

The **Intergovernmental Committee** for the Safeguarding of the Intangible Cultural Heritage (in short, the Committee) is composed of representatives of 24 States Parties to the Convention, elected by the General Assembly for four years; every two years the General Assembly renews half of the membership of the Committee.

The Members of the Intergovernmental Committee are elected according to the principles of equitable geographical representation and rotation. The seats in the Committee are distributed among the six UNESCO electoral groups in proportion to the number of States Parties from each group, it being understood that in a Committee of 24 members, each group will occupy at least three seats.

For Committee membership, see: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00028>

The Committee has a mandate to oversee the implementation of the Convention, including the inscription of ICH on the Lists of the Convention and the selection of safeguarding practices for inclusion in the Register of Best Practices. The Intergovernmental Committee also prepares the Operational Directives (for approval by the General Assembly) and it manages the Fund of the Convention, among many other things. The Committee reports about its activities to the General Assembly.

The Committee has a Bureau and it may create ad hoc consultative organs and subsidiary bodies.

The Committee meets in ordinary session once a year, in different places, at the invitation of one of the States Parties.

For reports of the sessions of the Committee and its decisions, see: [http://www.unesco.org/culture/ich/index.php?lg=enHYPERLINK](http://www.unesco.org/culture/ich/index.php?lg=enHYPERLINK%20) .

Its Rules of Procedure can be found at the same address; they are also published in the Basic Texts of the Convention.

The meetings of the Committee so far have been:

First session: 18 – 19 November, Algiers, Algeria;

Second session: 3 – 7 September 2007, Tokyo, Japan;

Third session: 4 – 8 November 2008, Istanbul, Turkey;

Fourth session: 28 Sept. – 2 Oct., 2009, Abu Dhabi, United Arab Emirates;

Fifth session: 15 – 19 November, Nairobi, Kenya.

The sixth session will take place in November 2011 in Indonesia.

**Inventorying**

Refer to Article 12.

**Inventorying,** or inventory making,involves collecting and presenting information on ICH elements in a systematic way. An inventory can be disseminated as a paper list, a multimedia database or another type of publication.

States Parties to the Convention have to draw up one or more inventories of the ICH present in their territories. They may organize ICH inventories in whatever manner seems most appropriate to them. Inventories may have various goals; contributing to safeguarding and awareness-raising are probably the most important of them. The Convention requires inventories to contribute to the safeguarding of elements on them, which suggests that the state of viability of the inventoried elements should be indicated. ICH inventories should be regularly updated. Inventorying should be preceded by the identification and definition of the elements concerned in close cooperation with the communities, groups concerned and – if appropriate – with NGOs (Article 11(b)).

**Operational Directives**

Refer to Article 7(e) and all ODs.

The **Operational Directives** (ODs) are guidelines that are meant to help States Parties to implement the Convention. The Committee prepares the ODs for approval by the General Assembly (Article 7(e)). The ODs include regulations and procedures for submitting, examining and evaluating nominations for the Lists and the Register of the Convention and for the use of the Fund of the Convention. The ODs also recommend ways in which States might organize the safeguarding of the ICH present in their territory, thus elaborating Articles 13 to 15 of the Convention.

Unlike the Convention, the ODs may be changed and enlarged quite easily; any change proposed by the Committee has to be approved by the General Assembly. The ODs are likely to remain work-in-progress. The first set of ODs was approved in June 2008; they were amended in June 2010. It is therefore important to ensure that in implementing the Convention one is consulting the latest version of the ODs.

The ODs are available in Arabic, Chinese, English, French, Russian and Spanish; they are available online and they are also published in the Basic Texts:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026>

**Preservation and Protection (as safeguarding measures)**

Refer to Articles 2.3, 14(c).

In the context of the Convention, **preservation** of ICH might mean the efforts of communities and tradition bearers to maintain continuity in the practice of that heritage over time. It does not imply that there is no change in the practice of the element over time.

**Protection** refers to deliberate measures—often taken by official bodies—to defend intangible heritage or particular elements from threats to its continued practice or enactment, perceived or actual. Objects and spaces associated to ICH practices may also need protection (Article 14(c)).

**Promotion and enhancement (as safeguarding measures)**

Refer to Articles 2.3, 13, 14(a).

**Promotion** and **enhancement** are tools for awareness-raising that aim at increasing the value attached to heritage both within and outside the communities concerned – promotion by drawing public attention, in a positive way, to aspects of ICH; enhancement by promoting the status and function of intangible heritage.

**Protection – see Preservation and Protection**

**Research – see Documentation and Research (article 1.b)**

**Respect**

Refer to Article 1(b), 14(a), OD 107.

**Respect** for intangible cultural heritage entails understanding its importance and value in its cultural context and appreciating its role in the community concerned. Encouraging mutual respect for each other’s ICH is one of the objectives of the Convention (see article 1.b). The viability of living heritage may be threatened when it is ignored or treated with disdain in the media, in political, educational or religious discourse, or among community members themselves. Mutual respect among communities and groups and respect for their ICH afford a means and a framework for its flourishing and continuity and have thus been included among the purposes of the Convention. In this context, recognition and enhancement as safeguarding measures for intangible cultural heritage may contribute to ensuring that communities, groups and individuals and their ICH are represented with respect.

**Revitalization (as a safeguarding measure)**

Refer to Article 2.3.

**Revitalization** of ICH means the strengthening of ICH practices and expressions that are seriously threatened, but demonstrate at least some degree of vitality within the community or group concerned (if they do not, the practice has ceased to be ICH as defined by the Convention). Restoring and strengthening ICH that is weak and endangered – i.e. extinct elements, also called revival, falls outside the scope of the Convention.

**Revival – see Revitalization**

**Risks – see Threats and risks**

**Safeguarding and Safeguarding measures**

Refer to Articles 2.3, 11(a), 12.1, 15; OD 1, 2, 7.

Article 2.3 of the Convention defines safeguarding as ‘measures aimed at ensuring the viability of the ICH, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.’ Article 11(a) speaks about identifying and defining as safeguarding measures, and Article 12.1 links inventory making to safeguarding.

Safeguarding measures are actions intended to ensure the continued viability of ICH element(s) that are threatened in some way, as far as possible within the original context of the community or group concerned. Members of these communities or groups often initiate safeguarding measures; government ministries, local authorities, NGOs, research, documentation or other institutions and/or researchers may also initiate safeguarding measures. They should not be developed or implemented without the widest possible participation of the communities, groups or individuals concerned (Article 15). The preparation of safeguarding measures or plans should start with an analysis of the factors that threaten the enactment and/or the transmission of the element concerned.

Safeguarding measures are to be elaborated for nominations of elements for inscription on the Urgent Safeguarding and Representative Lists (OD 1, U.3; OD 2, R.3). The state of the viability of the elements concerned will determine the scope of these measures. Programmes, projects and activities nominated to the Register of Best Safeguarding Practices (Article 18) have to have demonstrated efficacy in contributing to the viability of the ICH concerned (OD 7, P.4), and they should be able to serve as a model for other safeguarding activities (OD 7, P.6).

**Shared heritage**

Refer to Article 1(d), OD 13-16.

Many elements of ICH, and the associated communities, occur in more than one country because of the often arbitrary demarcation of national borders, the nomadic nature of some groups and migrations (forced or voluntary). One of the aims of the Convention is to ‘provide for international cooperation and assistance’ (Article 1(d)), including ‘joint initiatives’ (Article 19). ICH **shared** across national borders, or cross-border heritage,can be the subject of joint inventorying activities, joint safeguarding actions and so-called multinational nominations to the Convention’s Lists. The Operational Directives encourage the submission of joint nominations for shared heritage so that elements may be better safeguarded (see, for instance, OD 13 to 16).

**Sustainability**

Refer to Article 2.1.

**Sustainability** is often defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. In the context of the Convention sustainability in the first place should mean sustainability of the ICH itself: the possibility for communities to continue practising and transmitting their ICH, and their understanding of it, across the generations. This means that steps have to be taken to ensure or reinforce the conditions under which people can continue enacting and transmitting, including ensuring the continued availability of the necessary materials for practice or transmission, if any, without endangering future supplies, or the environment. Elements of ICH that are not compatible with the requirements of sustainable development cannot be given consideration in the framework of the implementation of the Convention.

Intangible heritage has often provided its practitioners with various economic and social benefits, thus contributing to the further development of the communities, groups and individuals concerned.

**Threats and risks**

Refer to Preamble, Article 14(b), OD 1, 2 and 7.

Current problems hampering the enactment and transmission of an element are **threats** to its viability. Possible future threats to the enactment and transmission of an element are described as **risks**.

Threats and risks to the viability of an element have to be identified in order to develop safeguarding measures (OD 1-2) or to assess the efficacy of safeguarding activities (OD 7). Inscription on a list of the Convention may in itself involve certain risks that can be foreseen and, if necessary, dealt with in a management or safeguarding plan. Threat and risk assessment is to be carried out with the participation of the practitioners and other tradition bearers concerned, for instance when preparing information about the viability of an element in the framework of inventory making or the preparation of a nomination for a List of the Convention.

**Transmission**

Refer to Article 2.3.

**Transmission** of ICH occurs when practitioners and other tradition bearers within a community pass on practices, skills, knowledge and ideas to others. Traditional forms of transmission may be more or less formal. Formal means of transmission may include long processes of initiation and apprenticeship with a master. When traditional forms of transmission are broken or weakened, the very viability of the ICH element is at stake.

The continuation of vibrant traditional ways of transmission within a community is not considered a safeguarding measure. When transmission is endangered, safeguarding measures may be developed to reinforce or revitalize transmission. These measures could enhance the transmission process, or develop new ways of transmission. This may include introducing more formalized or professionalized modes of transmission, for example in schools. Singing traditional songs at school could be a safeguarding measure helping to ensure that a practice does not die out, for example.

**Viability**

Refer to Article 2.3.

The **viability** of ICH is its potential to continue to be enacted, developed and transmitted, and to remain significant to the community or group concerned. The Convention defines safeguarding as ‘measures aimed at ensuring the viability of the ICH’.

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# IMP 5.4 Lesson plan: Who can do what?

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| **Title of activity: Implementing the Convention 5.4 – Who can do what? Implementing the Convention at the national level** |
| Duration: 2 hours |
| Objective(s):  Provide an overall review of what States Parties, communities, experts, centres of expertise, research institutes and NGOs can do to safeguard the ICH present in the territory of the State. |
| Description:  IMP Presentation 5.4   * Who are the stakeholders? * The role of States Parties * The role of communities * The role of NGOs, experts, centres of expertise and research institutes * Multiple stakeholders, multiple activities * Case studies:   + The Yamahoko float ceremony (Japan) |
| Supporting documents:   * IMP Presentation 5.4 plus narrative * IMP Hand-out 5.4. – Roles of stakeholders |

**Notes and suggestions:**

The participants should have their Basic Texts to hand during this session; they may read articles that are under discussion in the PowerPoint presentation, and discuss them where appropriate.

This session sets out the main framework for the content of the course including a discussion of who should be involved to:

* Raise awareness about and respect for ICH (discussed further in session 5.5)
* Identify, define and inventory the ICH (inventorying) (discussed further in session 5.6)
* Ensure community participation in identifying and defining ICH and in managing it; establish their consent for any action concerning their ICH by third parties, including for nominations for the Lists and the Register of the Convention (discussed further in session 5.7)
* Contribute to sustainable development and a human rights culture while ensuring the viability of the ICH (discussed further in session 5.9)
* Enhance and promote the practice and transmission of ICH elements through safeguarding and other activities (discussed further in session 5.10)
* Engage in international activities that aim at safeguarding, sharing, nominating, promoting ICH present in the State (discussed further in session 5.12)
* Create enabling legal and administrative environments for promoting practice and transmission and for safeguarding actions (discussed further in session 5.13)

The main focus in this session is on illustrating how a positive safeguarding outcome can be achieved by working together under the principles of the Convention. Case studies are used to show the range of measures implemented by multiple stakeholders safeguarding real elements on one of the Lists of the Convention. They should emphasize the importance of safeguarding activities to be tailored to specific contexts.

Facilitators are encouraged to provide examples with which participants may be familiar, as well as using some of the examples provided. The Yamahoko example is an anchor case study for this session and should be discussed in some detail, or replaced with an example of greater local relevance for which similar detail on the role of different stakeholders is available.

The exercise (15 mins) on roles of stakeholders at the end of the session is designed to help participants appreciate the range of roles played by different stakeholders, and where their own activities might fit into this broader context. It may be omitted if necessary.

# IMP 5.4 Presentation: Who can do what in implementing the Convention?

Presentation removed to reduce file size

# IMP 5.4 Narrative: Who can do what in implementing the Convention?

### Slide 1. Title

### Slide 2. The Yamahoko float ceremony, Kyoto Gion festival, Japan

‘Yamahoko, the float ceremony of the Kyoto Gion festival’ was inscribed on the Representative List in 2009.

The Yamahoko float procession of the Kyoto Gion Festival is carried out during July every year in the ancient capital of Kyoto, Japan. The ceremony is said to have its origins in the Gion ‘ghost ritual’ of the tenth century, which aimed to propitiate and entertain the gods. The floats are bright and exotic in appearance, to attract any evil spirits away from the residential areas. The procession is one of a number of ceremonies held to provide protection from epidemics in the early summer in Japan.

The Yamahoko procession consists of thirty-two wooden floats, with gorgeous hangings and decorations (some old, some new), whose elaborate designs date back to the mid seventeenth century. They are decorated with references to Japanese legends and plays, either yama-style (with mountain-shaped decorations) or hoko-style (with symbolic ‘poles’). The floats proceed slowly through the streets of Kyoto, pulled by local people; some have accompanying musicians or dancers. The procession is managed and conducted by the Choshu, residents of self-governing central districts of Kyoto, who own the floats and store them in special houses. Today, each of the 32 districts has its own Cultural Preservation Association, coordinated by an umbrella organization called the Foundation for Gion Festival Preservation Associations, established in 1923.

The procession is not currently facing severe threats to its viability but to safeguard it, and ensure its future practice and transmission, a variety of interlocking roles are performed by communities, government, NGOs and other institutions, and by local industries.

### Slide 3-4. The Yamahoko float ceremony: Community-led activities

The Kyoto community participates in safeguarding the procession in the following ways:

* Residents of the older, central part of the town have traditionally organized the procession: they participate in it, make financial contributions towards it and train younger members of the community to participate in it as well. They are essential actors in the procession as musicians or dancers, pulling the floats, or riding on the floats. They train young people in musical and dance skills, the assembly and turning of the floats, and maintenance tasks. The migration of older families and wealthier people out of the central districts of Kyoto, and the influx of new residents and businesses has led to a greater reliance in conducting the procession on volunteers who do not live in the central part of the town.
* Local residents watch the procession, participate in it, donate money, etc.
* Different residents’ associations are responsible for different floats
* Foundation for Gion Festival Preservation Associations
  + Undertakes research, training,
  + Coordinates the procession
  + Helps associations to maintain and store floats

Residents are organized into blocks of houses that each have their own yamahoko associations and organize their own floats. The residents are currently running out of storage capacity for the floats and have asked for government assistance in building new storage facilities. Local residents’ associations coordinated by the Foundation for Gion Festival Preservation Associations (a community organization) undertake research, training, coordination of the procession, and help with maintenance and storage of the floats and their decorations.

### Slide 5. Yamahoko Float Ceremony: government support

The government at national, provincial (‘prefectural’) and municipal levels in Kyoto provides support for community safeguarding efforts.

* The Kyoto municipal government negotiates with community associations to regulate and allow the procession’s route through the city. Overhead electrical cables, for example, can prevent the floats from using a specific route, as they have done in Tokyo. The holding of the procession is a major event in the city and requires the closure of roads and management of what have become very large crowds.
* National, Provincial and municipal governments assist with maintenance of floats, research and training. For example, various levels of government give money to the Associations for maintenance of the floats. Local school children are given musical training to participate in the festival.
* National legislation on ICH, the Law for the Protection of Cultural Properties (1950) provides for government funding for ICH inventorying and safeguarding.
* The Yamahoko procession was included on a national ICH inventory as an Important Intangible Folk Cultural Property (1979), providing central government funds for research and repairs to the floats, among other things.
* The Yamahoko procession was successfully nominated to and inscribed on the Representative List in 2009.

### Slide 6-7. Yamahoko Float Ceremony: other stakeholders

Local industries such as weaving, embroidery and metalworking contribute to the maintenance and repair of the floats and benefit from the display of their products on the floats. State funding contributes to their work on the repair of embroidery and metalwork used in the floats.

Institutions like the State-funded National Research Institute and Japanese universities, and the Foundation for Gion Festival Preservation Associations undertake research on the history and significance of the procession, as well as on how to address the threats it might face in the future, in close cooperation with the communities and groups concerned.

### Slide 8. In this presentation…

This case study shows how a range of stakeholders undertake a range of activities for safeguarding an element of ICH as advocated by the Intangible Heritage Convention.

This presentation discusses the following:

* Who are the stakeholders in implementing the Intangible Heritage Convention?
* The role (and obligations) of States Parties
* The role of communities
* The role of NGOs and other stakeholders
* Overview of activities

### Slide 9. Who are the stakeholders?

* The Convention is an agreement between States, and by ratifying it States Parties take on obligations under it, both at the national and the international level. The provisions of the Convention only apply in the territories of the States that are party to the Convention and between these States. The Convention can assign tasks to States Parties, rather than to communities, NGOs or other stakeholders, but encourages States Parties to work with other agencies or groups in pursuit of the aims of the Convention.
* By now participants should know that the Convention emphasizes the role of communities when it comes to identifying and safeguarding their intangible heritage. Communities concerned play a major role in safeguarding their own ICH. In the first place, they enact and transmit it, but under the Convention they also have the right to be involved in safeguarding activities and to give or deny consent for various activities.
* The Convention also encourages the participation of NGOs and other stakeholders in safeguarding activities; more detailed elaboration of their roles is given in the Operational Directives.

### Slide 10. Role of States Parties (subtitle)

States Parties bear responsibility for ICH safeguarding in general within their territory, and for any official relations with the organs of the Convention, including the submission of international assistance requests and nominations.

### Slide 11. Role of States Parties at the national level

There are four main categories of activities States Parties to the Intangible Heritage Convention are encouraged, or in some cases required, to undertake at the national level:

* **Recommendation (Article 13, many ODs): Creation of a legal and administrative context to support the safeguarding of ICH.** Providing a broad context for ICH safeguarding can include formulating a policy on intangible heritage safeguarding, making budget provisions or creating one or more institutions to coordinate the safeguarding of ICH. This does not always mean formulating new policies and laws or creating new institutions, however. Where appropriate, existing legislation could be amended and existing institutions could be given new or extended mandates. This topic is discussed further in session 5.13;
* **Recommendation (Article 1, 14, many ODs): Awareness raising** to make ICH elements better known, to encourage general respect and appreciation for it, and to inform the public about the function of ICH in society and the importance of safeguarding it. This includes raising awareness about the Convention and its role in safeguarding ICH. More information is provided about awareness raising in session 5.5;
* **Obligation (Articles 11 and 12): Identifying, defining and inventorying ICH elements** within their territories to aid in safeguarding. Inventorying the ICH is an important obligation of States Parties to the Convention. Inventory-making can have many functions, but should always contribute to safeguarding the ICH. This topic is discussed in session 5.6;
* **Obligation (Article 11a, 15): Taking the necessary measures to safeguard ICH present within their territories**, **with the fullest possible participation and the consent of the communities concerned.** These measures may beimplemented where appropriate with the assistance of other relevant stakeholders. These measures may include some of the safeguarding activities introduced in the previous session, such as documentation, research, revitalization, transmission through formal and non-formal education, and so on. This topic is discussed further in sessions 5.7 and 5.10.

The obligations mentioned above are presented in slide 12.

### Slide 12. The Convention requires that...

The Convention outlines a few main obligations for each State Party at the national level, which include:

* Taking the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory (Article 11(a));
* Identifying and defining the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations (Article 11(b)); and
* Drawing up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory (Article 12).

**Article 11 – Role of States Parties**

Each State Party shall:

(a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;

(b) among the safeguarding measures referred to in Article 2.3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.

**Article 12 – Inventories**

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

### Slide 13. The Convention recommends that

The Convention recommends that each State Party try to -

* Adopt policies and codes of ethics to assist in safeguarding ICH in the spirit of the Convention (Article 13(a), OD 105(d), (f) and (g), OD 107);
* Establish ‘competent bodies’ or institutions that can assist in the execution of safeguarding policies, capacity building, inventory making (Article 13(b), 13(d)(i), OD 80, OD 83), research (Article 13(c), OD 105(b) and (c), OD 107(k)), documentation (Article 13(d)(iii), OD 85), awareness raising (Article 1(b), Article 14(a), Article 1(c), OD 85, OD 105, OD 107(b));
* Ensure respect for ICH, and appropriate access to it (Article 1(b), Article 13(d)(ii), Article 14); and
* Ensure community participation and consent in all matters that concern their ICH (Article 15; OD 79-89).

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| **Article 13 – Other measures for safeguarding**  To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:  (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes;  (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory;  (c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger;  (d) adopt appropriate legal, technical, administrative and financial measures aimed at:  (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;  (ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;  (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.  **Article 14 – Education, awareness-raising and capacity-building**  Each State Party shall endeavour, by all appropriate means, to:  (a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through:  (i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people;  (ii) specific educational and training programmes within the communities and groups concerned;  (iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and  (iv) non-formal means of transmitting knowledge;  (b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention;  (c) promote education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.  **Article 15 – Participation of communities, groups and individuals**  Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management. |

### Slide 14. The Operational Directives recommend that …

The Operational Directives recommend that States Parties shall try to foster participation of communities and other stakeholders by:

* Establishing coordinating bodies and cooperative networks

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| OD 79. | Recalling Article 11 (b) of the Convention and in the spirit of Article 15 of the Convention, the Committee encourages States Parties to establish functional and complementary cooperation among communities, groups and, where applicable, individuals who create, maintain and transmit intangible cultural heritage, as well as experts, centres of expertise and research institutes. |
| OD 80. | States Parties are encouraged to create a consultative body or a coordination mechanism to facilitate the participation of communities, groups and, where applicable, individuals, as well as experts, centres of expertise and research institutes, in particular in:   1. the identification and definition of the different elements of intangible cultural heritage present on their territories; 2. the drawing up of inventories; 3. the elaboration and implementation of programmes, projects and activities; 4. the preparation of nomination files for inscription on the Lists, in conformity with the relevant paragraphs of Chapter 1 of the present Operational Directives; 5. the removal of an element of intangible cultural heritage from one List or its transfer to the other, as referred to in paragraphs 38 to 40 of the present Operational Directives. |
| OD 86. | States Parties are encouraged to develop together, at the sub-regional and regional levels, networks of communities, experts, centres of expertise and research institutes to develop joint approaches, particularly concerning the elements of intangible cultural heritage they have in common, as well as interdisciplinary approaches. |

* Undertaking capacity building and awareness raising in communities

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| OD 81. | States Parties shall take necessary measures to sensitize communities, groups and, where applicable, individuals to the importance and value of their intangible cultural heritage, as well as of the Convention, so that the bearers of this heritage may fully benefit from this standard-setting instrument. |
| OD 82. | In conformity with the provisions of Articles 11 to 15 of the Convention, States Parties shall undertake appropriate measures to ensure capacity building of communities, groups and, where applicable, individuals. |
| OD 107(m). | Training communities, groups or individuals in the management of small businesses dealing with intangible cultural heritage. |

* Establishing and regularly updating a directory of individuals and institutions with expertise in the study of ICH.

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| OD 83. | States Parties are encouraged to establish and regularly update, in a manner geared to their own situation, a directory of experts, centres of expertise, research institutes and regional centres active in the domains covered by the Convention that could undertake the studies mentioned in Article 13 (c) of the Convention. |

* Facilitating community access to research

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| OD 85. | States Parties shall endeavour to facilitate access by communities, groups and, where applicable, individuals to results of research carried out among them, as well as foster respect for practices governing access to specific aspects of intangible cultural heritage in conformity with Article 13 (d) of the Convention. |

### Slide 15. The Operational Directives recommend that …

The Operational Directives recommend that in raising awareness about the importance of ICH, States Parties try to:

* Adopt codes of ethicsto ensure appropriate ways of raising awareness about the intangible cultural heritage in their territory

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| OD 103. | States Parties are encouraged to develop and adopt codes of ethics based on the provisions of the Convention and these Operational Directives, in order to ensure appropriate ways of raising awareness about the intangible cultural heritage present in their respective territories. |

* Implement appropriate legal protection for communitieswhen awareness raising or commercial activities involve their ICH.

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| OD 104. | States Parties shall endeavour to ensure, in particular through the application of intellectual property rights, privacy rights and any other appropriate form of legal protection, that the rights of the communities, groups and individuals that create, bear and transmit their intangible cultural heritage are duly protected when raising awareness about their heritage or engaging in commercial activities. |

* Keep the public informed about the importance of intangible cultural heritage and the dangers threatening it, as well as about the activities carried out in pursuance of the Convention.

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| OD 105. | States Parties shall endeavour, by all appropriate means, to keep the public informed about the importance of intangible cultural heritage and the dangers threatening it, as well as about the activities carried out in pursuance of the Convention. ... (7 recommendations follow) |

* Promote best safeguarding practices selected by the Committee, in conformity with Article 18 of the Convention.

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| OD 106. | States Parties shall endeavour in particular to adopt measures to support the promotion and dissemination of the programmes, projects and activities selected by the Committee, in conformity with Article 18 of the Convention, as best reflecting the principles and objectives of the Convention. |

* Support formal and non-formal education to ensure recognition of, respect for and enhancement of intangible cultural heritage.

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| OD 107. | States Parties shall endeavour, by all appropriate means, to ensure recognition of, respect for and enhancement of intangible cultural heritage through educational and information programmes, as well as capacity-building activities and non-formal means of transmitting knowledge (Article 14 (a) of the Convention). ... (13 recommendations follow) |

### Slide 16. Roles of States Parties at the international level

At the international level, States Parties have various rights and one obligation (reporting to the Committee).

States Parties have to report periodically to the Committee on their progress in implementing the Convention at national and international levels.

**Article 29 – Reports by the States Parties**

The States Parties shall submit to the Committee, observing the forms and periodicity to be defined by the Committee, reports on the legislative, regulatory and other measures taken for the implementation of this Convention.

The Operational Directives specify the periodicity of the reporting, every sixth year for general reports on implementation of the Convention and every fourth year for reports on elements inscribed on the USL.

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| OD 152. | **Reports by States Parties on the implementation of the Convention:** The State Party submits its periodic report to the Committee ... by 15 December of the sixth year following the year in which it deposited its instrument of ratification, acceptance or approval, and every sixth year thereafter. |
| OD 161 | **Reports by States Parties on elements inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding:** ... shall normally be submitted to the Committee ... by 15 December of the fourth year following the year in which the element was inscribed, and every fourth year thereafter. |

All States Parties are represented in the General Assembly, the supreme organ of the Convention. States Parties, meeting in the General Assembly, elect the Intergovernmental Committee and may be elected to it.

States Parties may apply for international assistance (OD 8 to 12). States may also submit nomination files to the Lists and Register of the Convention. These issues are discussed in greater detail in session 5.12.

The Operational Directives encourage States to cooperate wherever possible – for instance by sharing information and expertise with other States Parties and by submitting multinational safeguarding projects and nominations to the Convention’s Lists.

**Article 19 – Cooperation**

1. For the purposes of this Convention, international cooperation includes, inter alia, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the intangible cultural heritage.

2. Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels.

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| OD 13. | States Parties are encouraged to jointly submit multi-national nominations to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity when an element is found on the territory of more than one State Party. |
| OD 15. | The Committee encourages the submission of subregional or regional programmes, projects and activities as well as those undertaken jointly by States Parties in geographically discontinuous areas. States Parties may submit these proposals individually or jointly. |

### Slide 17. The Operational Directives recommend that …

The Operational Directives recommend that States Parties try to cooperate with other States Parties to ...

* Develop regional networks of communities and expertise to safeguard shared heritage,

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| OD 86. | States Parties are encouraged to develop together, at the sub-regional and regional levels, networks of communities, experts, centres of expertise and research institutes to develop joint approaches, particularly concerning the elements of intangible cultural heritage they have in common, as well as interdisciplinary approaches. |

* Share documentation with each other, and

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| OD 87. | States Parties that possess documentation concerning an element of intangible cultural heritage present on the territory of another State Party are encouraged to share such documentation with that other State, which shall make that information available to the communities, groups and, where applicable, individuals concerned, as well as to experts, centres of expertise and research institutes. |

* Engage in regional cooperation, e.g. through Category II centres for ICH.

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| OD 88. | States Parties are encouraged to participate in activities pertaining to regional cooperation including those of category II centres for intangible cultural heritage that are or will be established under the auspices of UNESCO, to be able to cooperate in the most efficient manner possible, in the spirit of Article 19 of the Convention, and with the participation of communities, groups and, where applicable, individuals as well as experts, centres of expertise and research institutes. |

### Slide 18. Role of communities (subtitle)

### Slide 19. The Convention says...

The Convention cannot tell communities what to do about their ICH, it can only encourage States Parties to the Convention to consult and involve them as much as possible when they are given outside assistance from State agencies, NGOs, researchers, documentation centres and so on, for the safeguarding of their ICH.

The Convention and its Operational Directives strongly recommend (and in most cases require) that States Parties involve the relevant communities, groups and individuals (with their prior informed consent) in any actions and activities concerning their ICH. This includes involving communities in:

* + Identifying and defining their ICH (an obligation);
  + Inventorying their ICH;
  + Preparing nomination files for their ICH to the Lists and Register of the Convention (an obligation);
  + Awareness-raising activities about their ICH (an obligation); and
  + Developing and implementing safeguarding plans for their ICH (an obligation).

### Slide 20. Role of communities

Why involve communities?

* + Intangible heritage is enacted and transmitted by people (communities, groups or sometimes individuals). They have to identify their ICH, and recognize it as part of their cultural heritage, see Article 2.1.
  + ICH belongs collectively to the heritage of the communities, groups or individuals concerned, see Article 2.1 (i.e. it belongs to them);
  + Safeguarding involves ensuring continued practice and transmission within and by communities concerned, see Article 2.3;
  + Safeguarding therefore cannot happen without the consent, commitment and involvement of the people concerned (communities, groups and individuals).

As the slide illustrates, the communities and groups (and where relevant, individuals) concerned are primarily responsible for transmission and enactment of their ICH. They may (or must, in some cases) be involved in the following range of activities, but they may request help from other agencies if necessary:

* Identification
* Documentation
* Inventorying
* Awareness raising
* Ensuring sustainability
* Ensuring access to places and materials
* Transmission through education
* Revitalization and other safeguarding measures, and
* Research

### Slide 21. The Operational Directives suggest

The ODs suggest that communities, groups and individuals may wish to organize themselves, and network among themselves to achieve safeguarding aims. They say (OD 108) that community centres and associations that are created and managed by communities themselves can play a vital role in safeguarding as spaces for transmission and information sharing about their ICH.

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| OD 79. | Recalling Article 11 (b) of the Convention and in the spirit of Article 15 of the Convention, the Committee encourages States Parties to establish functional and complementary cooperation among communities, groups and, where applicable, individuals who create, maintain and transmit intangible cultural heritage, as well as experts, centres of expertise and research institutes. |
| OD 108. | Community centres and associations that are created and managed by communities themselves can play a vital role in supporting the transmission of intangible cultural heritage and informing the general public about its importance for those communities. In order to contribute to raising awareness about intangible cultural heritage and its importance, they are encouraged to:   1. be used by communities as cultural spaces in which their intangible cultural heritage is safeguarded through non-formal means; 2. be used as places for transmitting traditional knowledge and skills and thus contribute to intergenerational dialogue; 3. serve as information centres about a community’s intangible cultural heritage. |

Communities may also choose to cooperate with experts, centres of expertise and research institutes in implementing safeguarding activities such as identification, documentation, and revitalization, etc. These other agencies may include the State, NGOs, researchers, documentation centres and so on. This kind of cooperation can be fostered by the consultative / coordinating body mentioned above. The consent of the community concerned is required for any activities concerning their ICH that are initiated by outsiders.

### Slide 22. Role of NGOs, experts, centres of expertise and research institutes (subtitle)

The Convention and the Operational Directives indicate many possible tasks for NGOs, individual experts and various types of institutions and organizations in the implementation of the Convention, both on the national and the international level.

The Convention speaks explicitly about possible tasks for NGOs, both on the national and international levels, but as far as other types of organizations are concerned, the Convention says very little. It only mentions the desirability of having competent bodies on the national level for the safeguarding of the ICH, as well as training and documentation institutions.

Chapter III of the Operational Directives, ‘Participation in the implementation of the Convention’, recommends many possible activities for experts, centres of expertise and research institutes, and for NGOs, as well as for communities in the implementation of the Convention on the national and regional level (OD 79-90).

### Slide 23. Accreditation of NGOs

Article 9 of the Convention introduces NGOs as advisory organizations of the Committee:

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| ‘9.1 The Committee shall propose to the General Assembly the accreditation of NGOs with recognized competence in the field of ICH to act in an advisory capacity to the Committee.  9.2 The Committee shall also propose to the General Assembly the criteria for and modalities of such accreditation.’ |

The Committee encourages NGOs to request accreditation, if they meet the selection criteria. They may apply for accreditation following the procedures outlined in the ODs, using form ICH 09, which can be downloaded from the website of the Convention. The Committee has examined the requests received and proposed most of them to the General Assembly for accreditation.

The General Assembly has accredited two batches of NGOs (in 2008 and 2010). There are currently 97 accredited organizations under the Convention, see <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00331>.

The criteria and procedures for accreditation of NGOs can be found in OD 90-95. Accreditation does not require the intervention of any State Party. NGOs may themselves submit requests for accreditation to the Committee. Among the accredited NGOs some are based in States that are not yet Parties to the Convention.

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| **Criteria for the accreditation of non-governmental organizations** | |
| OD 91. | Non-governmental organizations shall:   1. have proven competence, expertise and experience in safeguarding (as defined in Article 2.3 of the Convention) intangible cultural heritage belonging, inter alia, to one or more specific domains; 2. have a local, national, regional or international nature, as appropriate; 3. have objectives that are in conformity with the spirit of the Convention and, preferably, statutes or bylaws that conform with those objectives; 4. cooperate in a spirit of mutual respect with communities, groups, and, where appropriate, individuals that create, practice and transmit intangible cultural heritage; 5. possess operational capacities, including:    1. a regular active membership, which forms a community linked by the desire to pursue the objectives for which it was established;    2. an established domicile and a recognized legal personality as compatible with domestic law;    3. having existed and having carried out appropriate activities for at least four years when being considered for accreditation. |

Article 9.1 of the Convention limits itself to stating that accredited NGOs may be called upon to act in an advisory capacity to the Committee; OD 91 is much more specific and presents a non-exhaustive list of specific tasks:

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| OD 96. | Accredited non-governmental organizations who, according to Article 9.1 of the Convention, shall have advisory functions to the Committee, may be invited by the Committee to provide it, inter alia, with reports of examinations as a reference for the Committee to evaluate:   1. nomination files for the List of Intangible Cultural Heritage in Need of Urgent Safeguarding; 2. the programmes, projects and activities mentioned in Article 18 of the Convention that may be recognized as best practices; 3. requests for international assistance; 4. the effects of safeguarding plans for elements inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding. |

Organizations other than NGOs, and individual experts, may be given similar tasks with reference to specific ODs. NGOs do, however, take – in the spirit of Article 9 of the Convention - a specific position in the implementation of the Convention on the international level:

The Consultative Body that the Committee created at its fifth session (5COM, Nairobi, November 2010) is thus composed of 6 individual experts (one from each region) and 6 accredited NGOs (again, one per region). This Body is requested to assist the Committee with the tasks in OD 96(a)-(c) (see box above) for the preparation of the evaluations the Committee will have to make at its sixth session (6COM, Indonesia, November 2011).

### Slide 24. Accredited NGOs, mid 2010

The number of accredited NGOs, just short of 100, represents a far wider group than the three organizations with which the World Heritage Convention formally engages, namely:

* ICOMOS (ICOMOS International Council on Monuments and Sites);
* ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property) on cultural properties; and
* IUCN (International Union for Conservation of Nature) on natural properties.

These intergovernmental organizations are mentioned explicitly in the World Heritage Convention. The Intangible Heritage Convention does not mention specific organizations in its text. In fact, when drafting the text of the Convention, the governmental experts deliberately wanted to distinguish it from the approach taken in the World Heritage Convention. Specifically, they did not want to be dependent on a small number of strong European-based organizations for advisory assistance.

As the slide shows, the spread of accredited NGOs across electoral groups as of mid 2010 is not equitable, with 52 NGOs accredited from Group I (W. Europe), and 26 from Group IV (Asia/Pacific) but very few accredited from other regions.

Of course, the number of accredited NGOs is not a good indication of NGO activity in each electoral group because not all NGOs active in the field of ICH have been accredited under the Convention. Also, some NGOs are larger than others, and some have a world-wide reach but their head office is based in one region. However, the uneven distribution of accredited NGOs suggests that there may be a need either for encouraging more NGO activity in the field of ICH safeguarding in the Arab States, Africa and Eastern Europe. Certainly, NGOs in these regions should be further encouraged to seek accreditation under the Convention.

### Slide 25. NGOs and other organizations: roles at the international level

Article 8.4 of the Convention says that the Committee may invite individual experts as well as organizations of any type for consultation during its meetings. For this purpose no accreditation is required.

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| **Article 8.4**  The Committee may invite to its meetings any public or private bodies, as well as private persons, with recognized competence in the various field of the ICH, in order to consult them on specific matters. |

This provision is reformulated in an extended way in OD 89:

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| OD 89. | Within the limit of available resources, the Committee may invite any public or private body (including centres of expertise and research institutes) as well as private persons with recognized competence in the field of intangible cultural heritage (including communities, groups, and other experts) to participate in its meetings in order to sustain an interactive dialogue and consult them on specific matters, in conformity with Article 8.4 of the Convention. |

This reformulation reflects the desire of the Committee and the General Assembly to emphasize the importance (and the possibility) of involving a broader range of institutions and organizations than (accredited) NGOs, and individual experts in the implementation of the Convention.

The guidelines for the use of the Fund of the Convention (OD 67(d)) explicitly mention that its resources may be used, inter alia, for ‘the costs of services to be provided, at the request of the Committee, by non-governmental and non-profit-making organizations, public or private bodies and private persons.’

In 2009 and 2010 the Committee invited a number of individual experts, often representatives of organizations and institutions of different types, to provide examination reports for the preparation of Committee decisions concerning nomination files for the USL and the Register of the Convention, as well as requests for international assistance. These experts were invited to present their reports and recommendations to the Committee at its 2009 and 2010 sessions. A newly established Consultative Body, according to a Committee decision in November 2010, will now undertake these tasks. This Body has 12 members: six individual experts and six representatives from NGOs.

### Slide 26. Civil Society facebook forum on ICH

Civil society organizations have been provided with an electronic platform, facilitated by the Secretariat of the Convention, for engaging with the Organs of the Convention and with each other:

<http://www.facebook.com/pages/Intangible-cultural-heritage-and-civil-society/123664631007622?v=wall>

Accredited NGOs and other organizations are also slowly organizing themselves. They have started holding their own meetings before and during Committee meetings, and have set up email discussion lists to share information and discuss the implementation of the Convention.

### Slide 27. NGOs and other organizations: roles at national level

Accreditation of organizations under the Convention is only relevant for the implementation of the Convention on the international level.

As far as the national level is concerned, the Convention mentions NGOs only once: in Article 11(b) it states that States Parties have to ‘identify and define ... ICH ... with the participation of communities, groups and relevant non-governmental communities.’ The Convention also encourages States Parties to designate or establish competent bodies for the safeguarding of ICH (Article 13(b), to establish documentation institutions (Article 13(d)(iii)) and to undertake many types of different measures (legal, administrative, financial, educational, etc.) that may further the safeguarding of the ICH present in their territories. Obviously these activities are to be carried out by the competent bodies and institutions mentioned.

The Operational Directives (OD 79 to 90) make very specific recommendations about how to involve communities and organizations of different types (the usual expression used there is ‘experts, centres of expertise and research institutes’), including NGOs (OD 90) in the implementation of the Convention at the national level. These activities include:

* Raising awareness about ICH
* Identifying and defining
* Inventorying
* Management and safeguarding of ICH
* Research
* Preparing nomination files and international assistance requests
* Collaborations and networks
* Training in ICH management and safeguarding

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| OD 90. | In conformity with Article 11 (b) of the Convention, States Parties shall involve the relevant non-governmental organizations in the implementation of the Convention, inter alia in identifying and defining intangible cultural heritage and in other appropriate safeguarding measures, in cooperation and coordination with other actors involved in the implementation of the Convention. |

OD 80 suggests the creation of a consultative body or coordination mechanism (although it does not mention NGOs specifically, they are included because of OD 90):

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| OD 80. | States Parties are encouraged to create a consultative body or a coordination mechanism to facilitate the participation of communities, groups and, where applicable, individuals, as well as experts, centres of expertise and research institutes, in particular in:   1. the identification and definition of the [ICH] present on their territories; 2. the drawing up of inventories; 3. the elaboration and implementation of programmes, projects and activities; 4. the preparation of nomination files for inscription on the Lists ...; 5. the removal of an element of intangible cultural heritage from one List or its transfer to the other ... |

The ODs also recommend that States Parties establish directories of experts, centres of expertise, research institutes and regional centres active in the domains covered by the Convention (OD 83), and develop networks of these stakeholders and the communities concerned at the subregional and regional level (OD 86).

In summary, the Convention does provide for a special role for NGOs in the tradition of the World Heritage Convention, but it does not mention specific NGOs or limit their numbers. The Operational Directives, on the other hand, repeatedly underline the roles to be played by all types of organizations, including NGOs, in implementing the Convention, particularly at the national and regional levels.

The role all these stakeholders will play in implementing the Convention depends in part on the circumstances of each country or region. Apart from the roles mentioned above, they can lobby States to ratify the Convention where they have not already done so. One interesting example of advocacy for ICH is the Heritage Crafts Association in the UK. They have lobbied the UK government to ratify the Convention, and are also pushing for greater coordination between ICH-related NGOs in the UK. They believe that much can be achieved in ICH safeguarding through networking and undertaking specific projects even if the UK decides not to ratify.

NGOs and other organizations will not only respond to requests from States and from UNESCO, they will actively take safeguarding and other initiatives with communities according to their own mandates and capacities. NGOs will carry on doing the work they have always done in this field, and in some cases they may be inspired or encouraged to link their work to the aims of the Convention.

### Slide 28. Multiple stakeholders, multiple activites (subtitle)

### Slide 29. Key activities of all stakeholders

There are, in summary, a number of key activities that contribute to the safeguarding of the ICH at the national and international levels. The activities include:

* Awareness raising about the existence and value of ICH
* Identifying and inventorying ICH
* Fostering community participation in and consent to the safeguarding of their ICH
* Facilitating practice and transmission of ICH
* Creating enabling legal and institutional environments for ICH safeguarding
* Nominating ICH elements to the Lists, and projects to the Register of the Convention
* Requesting international cooperation and assistance for ICH safeguarding

These activities can be performed by various stakeholders, including (necessarily) (i) the communities, groups and individuals concerned, (ii) the States Parties to the Convention, and probably also other stakeholders such as (iii) NGOs, experts and centres of expertise.

These activities will be discussed in the remainder of this workshop.

### Exercise (15 mins) on roles of stakeholders

Participants are divided into groups of about 10 people and discuss which of the listed activities they, their community or group, or their organization have been or will perhaps be involved in, and what they would actually do. One member of the group then reports back to the plenary about the range of activities that will be done by a range of stakeholders. The facilitator provides clarification about the nature of the activities listed and prompts groups to list more activities where needed.

Each of these activities will be further discussed in the rest of the course. For the remainder of this session, however, several case studies will be provided by way of illustration to show how the interlocking contributions of various stakeholders might contribute to ICH safeguarding.

# IMP 5.4 Hand-out: Roles of stakeholders

Various stakeholders may play different roles in implementing the Intangible Heritage Convention. They include:

* Governments, central and local government agencies of States Parties to the Convention;
* Communities, groups and individuals who practise and transmit their intangible heritage (ICH);
* Organizations and institutions designated or created by the State to oversee the implementation of the Convention;
* Non-governmental organizations and community-based organizations; and
* Experts, centres of expertise and research institutions.

All organizations, agencies and individual experts have to cooperate in one way or another with the communities, groups and individuals concerned when assisting in safeguarding their ICH. The roles these stakeholders play may vary widely, depending on the way in which the State has organized the implementation of the Convention at the national level, the capacity and interests of the various stakeholders, and – of course – the ICH element, the threats to its viability and the needs, wishes and capacities of the communities concerned.

This Hand-out gives some general guidance on the kinds of roles envisioned for various stakeholders in the Convention and its Operational Directives.

### Roles of States Parties

States Parties, rather than communities or NGOs, are signatories to the Intangible Heritage Convention and, by ratifying it they assume an obligation to take the necessary measures for safeguarding the ICH in their territory. They have to play an enabling and coordinating role in safeguarding this ICH, assisting communities, usually through various agencies, to practise and transmit their ICH. However, States Parties are directly responsible for submitting nomination files to the lists of the Convention, applying for international assistance, participating in the organs of the Convention, and so on.

**States Parties** are obliged (or, more often, encouraged) to play the following roles in developing nominations to the lists of the Convention, and implementing safeguarding plans:

| **Role** | **Convention (Article)** | **OD**  **(Para)** |
| --- | --- | --- |
| **Safeguard the ICH in their territory**   * Identify and define the ICH (with communities and relevant NGOs); * Implement necessary safeguarding measures; * Ensure recognition of, respect for, and enhancement of the ICH; * Keep the public informed of threats to the viability of the ICH and steps taken to safeguard it; and * Promote education for the protection of natural spaces and places of memory associated with the ICH. | 11  14  15 | 79-89  103-106  107 |
| **Submit nominations to the Convention’s Lists and Register, or withdraw them**   * With the involvement, and free, prior and informed consent of the communities concerned. | 16-18 | 1-2  7  13-24 |
| **Involve communities**   * in identifying and defining their ICH; * In inventorying their ICH; * In preparing nomination files for their ICH to the Lists and Register of the Convention; and * In developing and implementing safeguarding plans for their ICH. | 11(b)  15 | 1-2  23  79 |
| **Create an infrastructure for safeguarding**   * By developing ICH-related policy, regulations and legislation; * By establishing bodies to assist in safeguarding the ICH; * By creating or strengthening documentation centres for management and access to information about the ICH, while respecting customary practices governing access; * By creating a consultative body or a coordination mechanism for the identification of ICH, inventorying, implementing programmes etc. | 13 | 80  83  85  105  107 |
| **Build capacity for safeguarding**   * Among the communities concerned; * Among NGOs, researchers and academics; * Among relevant staff of government departments and agencies; * By encouraging research for safeguarding the ICH; * By creating or strengthening institutions for training in the management of the intangible cultural heritage and the transmission of such heritage; and * By encouraging cooperation and networking between communities, experts, centres of expertise and research institutes. | 1(c)  11(b)  13-15 | 79-86 |
| **Raise awareness about the value of ICH**   * At the local, national and international level, encouraging appreciation and respect for the ICH; * Within communities (if required, especially where their ICH is threatened); * By promoting the ICH on the Lists of the Convention; * By promoting good practices, including those inscribed on the Register; * By supporting the dissemination of appropriate information about ICH within their territory, e.g. through media campaigns, education and workshops; and * By including ICH in the formal curriculum and providing informal opportunities for its transmission. | 1(b)-(c)  14 | 100-117 |
| **Encourage / engage in international cooperation**   * By initiating or supporting multinational nominations of shared heritage and safeguarding projects; * By making joint applications for international assistance; and * By sharing skills and information. | 1(d)  19 | 86-88  13-16 |

### Roles of the communities, groups and individuals concerned

It is the communities, especially practitioners and tradition-bearers within them, who are involved in the practice and transmission of their ICH, and thus have to play the major role in its safeguarding. Their roles change with respect to each element of their ICH. The provisions of the Convention and its Operational Directives therefore only refer in very general terms to the roles of communities in the interests of safeguarding their ICH. ‘Communities’ are not defined in the Convention so this term can be very broadly interpreted.

The Convention is an agreement between States Parties and cannot oblige communities to perform specific roles. Indeed, the Convention would not wish anyone to force communities to define, practise or transmit their ICH in new (or indeed old) ways that are unacceptable to them, or to safeguard any aspects of their intangible heritage which they do not wish to continue practicing and transmitting. The Convention’s main concern is to ensure community participation and consent in every aspect of safeguarding their ICH under the Convention.

**Roles of communities:**

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| **Role** | **Convention (Article)** | **OD**  **(Para)** |
| **Be involved in**   * Enacting and transmitting their ICH * Identifying and defining their ICH; * Inventorying their ICH; * Developing and implementing safeguarding plans for their ICH; and * Developing nomination files for their ICH to the Lists and Register of the Convention (if deemed appropriate). | 11(b)  15 | 23  79 |
| **Give (or deny) free, prior and informed consent to**   * Inventorying their ICH; * Nominating their ICH to the Lists, or safeguarding projects involving their ICH to the Register of the Convention; and * Awareness-raising activities about their ICH. | 11(b)  15 | 1,2  7  101(b) |

#### The Convention and its ODs outline various areas of activity in which community participation and/or consent is recommended or required:

| **Task** | **Community participation required / recommended** | **Community consent required / recommended** | **Article** | **OD** |
| --- | --- | --- | --- | --- |
| Identifying their ICH | Required | Required by implication | 2.1, 11(b) | 80 |
| Inventorying their ICH | Strongly recommended  (Required for nominated elements in forms ICH 01 and 02) | Strongly recommended | 12, 15 | 80 |
| Raising awareness about their ICH | Strongly recommended | Free, prior and informed consent required | 15 | 81, 101(b), 105, 107, 108 |
| Safeguarding and management of their ICH | Strongly recommended |  | 15 | 79-83, 85-87, 89 |
| Commercial activities relating to ICH | Strongly recommended |  | 15 | 104, 116, 107(m) and 117 |
| Nominations of their ICH elements | Required | Proof of free, prior and informed consent required | 15 | 1, 2, 23, 80 |
| Safeguarding plans – elaborating and implementing | Strongly recommended (Required for nominated elements in forms ICH 01 and 02) |  | 15 | 1, 2, 80, 157, 162 |
| International assistance requests | Required for the preparation of the files |  | 15 | 12, 23 |
| Nominations of best practices | Required | Required by implication (communities concerned have to have agreed to the dissemination of best practices) |  | 7, 23 |
| Preparation of periodic reports | Strongly recommended |  | 15 | 157, 160 |
| Representation in consultative organs and coordination mechanisms | Strongly recommended |  |  | 79, 80, 86, 105(e) |

### Roles of NGOs, experts, centres of expertise and research institutes

NGOs, centres of expertise, research institutes and experts are encouraged to play the following roles in implementing the Intangible Heritage Convention:

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| **Role** | **Convention (Article)** | **OD**  **(Para)** |
| **NGOs can cooperate with other stakeholders, in the following tasks:**   * Assisting in identifying and defining the ICH at the national level; * Assisting in developing and implementing safeguarding plans for the ICH at the national level; * Assisting in preparing nomination files to the Lists and Register of the Convention; and * If accredited under the Convention, supporting its implementation internationally by advising the Committee where required, and by assisting the Secretariat in the exchange of information about ICH. | 11(b) | 90  96 |
| **Experts, centres of expertise and research institutes can**   * Assist in identifying, defining and inventorying the ICH at the national level; * Assist in implementing safeguarding plans for the ICH at the national level; * Assist in preparing nomination files to the Lists and Register of the Convention; * Conduct research and develop methodologies for ICH research; * Conduct training in ICH management and safeguarding; * Advise the Intergovernmental Committee as requested; and * Contribute to international cooperation and exchange through collaborations, networks, information sharing and participation in joint projects. | 8(4)  13(b)  13(c)  13(d)(i)  13(d)(iii) | 79-80  84  86-89  107 |

# IMP 5.5 Lesson plan: Raising awareness

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| **Title of activity: Implementing the Convention 5.5 – Raising awareness** |
| Duration: 1 hour |
| Objective(s):  Establish understanding of the importance of raising awareness to ensure recognition of, respect for and enhancement of ICH in society and to enhance understanding between communities and groups  Discuss mechanisms for raising awareness at the national level. |
| Description:  In this session participants are encouraged to ask a number of questions about raising awareness: who does awareness raising, about what, by what means, and aimed at which audiences. Also, they are reminded that awareness raising should not have adverse effects.  IMP Presentation 5.5   * Awareness raising for safeguarding, recognition, respect and enhancement * Ways to raise awareness * Roleplayers and audiences * The role of the Committee and the Convention’s website * The role of States Parties * The role of the media * The role of institutions and organizations * The role of communities * Taking care to avoid negative outcomes * Case studies / examples:   + The Surabhi television series (India)   + The UNESCO ICH website   + Colombian awareness-raising activities   + South Africa’s Living Heritage Policy   + Mastercrafts (UK)   + Indira Ghandi National Centre for the Arts (India)   + The *Índios na visão dos Índios* project (Brazil) |
| Supporting documents:   * IMP Presentation 5.5 plus narrative |

**Notes and suggestions:**

A number of examples of awareness-raising activities are provided in this session and further regional or local examples may be provided by the facilitator or solicited from participants. The exercise (15 mins) after slide 6 provides an opportunity for doing so. Small group discussions could be held about the aims of, intended audiences for, likely effects of and possible risks associated with one or two of these examples, if time allows.

# IMP 5.5 Presentation: Raising awareness

Presentation removed to reduce file size

# IMP 5.5 Narrative: Raising awareness

### Slide 1. Title

The Preamble of the Convention states that there is a need to build greater awareness, especially among the younger generations, of the importance of the ICH and its safeguarding. Across much of the world, heritage has long been thought of mainly as tangible (e.g. cathedrals and paintings) in the first place, and as natural (e.g. mountains and waterfalls) in the second place. Intangible heritage practices have often been considered simple, popular, unsophisticated, low culture, or even backward. These views are anchored in largely Eurocentric classical culture, and in many places they still hold sway: it is telling that in Western Europe and north America, ratification of the Intangible Heritage Convention had a slow start.

This attitude is changing. Some East Asian countries were relatively early in recognizing the function and relevance of ICH, but in UNESCO - for instance - it took well over 30 years before it was generally agreed that ICH (as later defined by the Convention) deserves to be highlighted and preserved in their own right, and in their own way. People realized that the recognition and mobilization of ICH practices and expressions may lead to more balanced development policies. They also realized that the importance of intangible cultural heritage resides not in performances or handicraft products themselves, but rather in the underlying knowledge and skills transmitted and adapted from one generation to the next. The social and economic value of this transmission of knowledge is relevant for minority and for mainstream communities within a State, and is as important for developing States as for developed ones.

In many countries awareness about ICH is still rather low: decision-makers in government, the general public and institutions have to be informed about the nature of ICH, its importance, why and how it can be endangered and how it can be safeguarded with full the participation of those who enact, develop and transmit it. Such awareness raising is necessary to help and encourage communities, groups and individuals to continue enacting, recreating and transmitting their ICH.

### Slide 2. In this presentation…

In this session the main questions are:

* What is meant by awareness raising in the Convention and its ODs?
* Why raise awareness?
* Awareness about what?
* How can awareness be raised?
* By whom is awareness raising done?
* Whose awareness is raised?
* Taking care: Avoiding adverse effects of awareness raising

### Slide 3. Awareness for safeguarding

Awareness of the existence, nature and importance of ICH is crucial in mobilizing efforts for its safeguarding, the main objective of the Convention (detailed in Article 1). That is why awareness raising is also mentioned in Article 1 of the Convention. People who are not aware of the importance and function of ICH will not recognize the need to safeguard it and will not be inclined to support safeguarding efforts.

The Committee attaches great importance to awareness raising and consequently there is a very detailed chapter in the Operational Directives on raising awareness (OD 100-123). According to the Operational Directives, and the Convention itself, the Committee (OD 118-123) and States Parties (Article 13-14, OD 100, 103-106) take on specific responsibilities for ensuring that awareness is raised about the ICH, but of course there are many other possible role-players in awareness raising. They include the general public, young people, policy-makers, centres of expertise, research institutions and experts, and of course the communities, groups and individuals who practise their ICH. All these groups can also be the targets of awareness-raising activities.

Many of the relevant ODs are given below for background information.

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| **Article 1 – Purposes of the Convention**  The purposes of this Convention are:   1. to safeguard the intangible cultural heritage; 2. to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned; 3. **to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof**; 4. to provide for international cooperation and assistance. |

### Slide 4. Recognition, respect, enhancement

In Article 13 and 14, States Parties are encouraged to ensure promotion and recognition of, respect for, and enhancement of the ICH in their territories, through policies and through educational, awareness-raising and information programmes. All awareness-raising roleplayers are reminded to respect customary practices regarding access to the information disseminated (Article 13(d)(ii)). Awareness-raising activities are not only meant to promote safeguarding, but also to instil respect for the ICH of other communities and groups, and knowledge about the diversity and value of the ICH in general.

Different methods of raising awareness are needed in different countries, because of varying levels of existing awareness about ICH and available resources. Awareness about ICH and about the Intangible Heritage Convention is higher in some regions than others. This is reflected in the existence of ICH-related policies and regulations in some countries, even since the 1950s, and different rates of inscription of elements on the Lists of the Convention by region.

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| **Article 13** | To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to: (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society... |
| **Article 14** | Each State Party shall endeavour, by all appropriate means, to: (a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through: (i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people ... |

### Slide 5. Awareness about what?

Key agencies and decision-makers dealing with (for instance) heritage issues or development policies, as well as the public at large, need to be informed about the existence, function and importance of ICH so that policies may be developed for its safeguarding and ICH-related considerations will be mainstreamed in more general planning strategies.

The ICH of humanity is a repository of human creativity and cultural diversity. As it faces new challenges such as global warming and globalization, society will need these resources. Celebrating and managing this diversity among people is not always an easy process, as it involves managing what can be significant differences in worldview that are rooted in different cultural and historical experiences and interpretations thereof. The dissemination of information about ICH, and appreciation thereof, can help to foster social cohesion and harmony within communities and peaceful coexistence and mutual respect between them.

The Convention and its ODs suggest that relevant people be informed not only of the function and value of ICH, but also of any threats or risks to its viability, and the actions taken (or proposed) for its safeguarding. They should be informed about the Convention and about the instruments it makes available to recognize, make visible and safeguard the ICH. They should be informed too, of the roles of communities, groups and individuals in creating, enacting and transmitting ICH, and of the need to ensure their participation in any safeguarding activities.

### Slide 6. The Amul Surabhi TV series and Surabhi Foundation (India)

An Indian television program has raised awareness about the importance and diversity of ICH in India for many years. Amul Surabhi, also known simply as Surabhi, a cultural magazine that showcased aspects of Indian culture, was a very popular television show on an Indian State-run television channel. For almost ten years (1993–2001) Surabhi travelled all over the country, recording tangible and intangible heritage, and cultural activities. Voted as one of the top ten television programmes in India, Surabhi was the longest running cultural series on national television and received the largest measured audience response in the history of Indian television.

Topics explored by the television program included Kalaripayattu, a martial art of Kerala; the traditional glazing techniques of the Rathwa groups; traditional fabric colouring techniques from Gujarat; and techniques of water harvesting in Rajasthan. It followed artists and art events, and explored current issues such as whether Vedic mathematics or ancient Indian mathematics have a place in modern teaching methods.

After Surabhi ended its run on Indian television, the Surabhi Foundation for Research and Cultural Exchange continued its work. The Surabhi Foundation is a non-profit organization involved in the ‘documentation, preservation and dissemination of India's cultural heritage at the national and international level’. The director and presenter of the Surabhi program, Siddharth Kak, is a founder member of the Foundation. The making of the television series created the largest private collection of video material on India, which is now catalogued and maintained by the Foundation. The Foundation organizes festivals, symposia, workshops and lecture demonstrations on Indian heritage, and is creating the world's first theme park based on India - the Living Heritage Centre - incorporating a cultural archive and museum on Indian Heritage in Navi Mumbai.

The Foundation is currently making a new series of documentaries in collaboration with UNESCO, with public, private and corporate support. Called the India Heritage Series, it explores various facets of India’s cultural and natural heritage today. One of the films, for example, 'Souvenirs in Metal', explores the skills, songs and stories associated with three metal crafting traditions in India: intricate *dhokra* work from Bastar, brass and copperware from Assam and the Buddhist figurines of Sikkim. The materials produced will be accessible to the public through the Living Heritage Centre. Other themes explored include mirror work from Kutch, appliqué work from Rajasthan, *phulkari* from Punjab, the making of the pashmina in the past and the present, iron smelting techniques used by the Agarias and the traditional healing of the Oraons.

The broad reach and depth of the television programme and the Foundation’s activities have helped to spread the word within the general public in India about the value and diversity of its cultural heritage, including in particular its intangible heritage.

Further information:

<http://www.indiasurabhi.com/indianheritage.html>

### Exercise (15 mins): identifying Awareness-raising activities

The facilitator may invite participants to discuss the level of awareness about ICH and the importance of safeguarding it among various groups of stakeholders in their country. They can say whether there have been any local or regional examples of awareness-raising activities either in the past or the present. When examples are identified, the participants may be asked to identify who took responsibility for raising awareness, who paid for it, what methods were used, who the activity was aimed at and what results it achieved. They could also be encouraged to discuss possible future awareness-raising needs and activities.

### Slide 7. Ways to raise awareness

The Surabhi example showed how television, festivals and even theme parks could help to raise awareness about ICH. There are various ways of raising awareness.

These include:

* Developing ICH-related programmes for radio, television, websites;
* Developing ICH-related educational programmes;
* Establishing networks, meetings and seminars for targeted groups;
* Lobbying decision-makers;
* Staging ICH-related festivals and events;
* Developing ICH-related commercial activities such as tourism;
* Preparation of inventories of ICH and the dissemination of information about inventoried elements;
* Nomination of ICH elements to the Lists of the Convention, and of safeguarding practices to the Register of the Convention; and
* Developing and publicizing ICH policies.

### Slide 8. Who raises whose awareness?

The Committee (through the Secretariat) and the States Parties are obliged or encouraged to take specific responsibility for raising awareness under the Convention. Other stakeholders, organizations and groups of different types are encouraged to do so too, and may be given specific tasks by the State Party. These include:

* The media;
* Educational institutions;
* Centres of expertise, research and documentation, museums etc.;
* NGOs, CBOs etc.; and
* Communities, groups and individuals concerned.

Awareness raising can be directed either at the general public or at specific target groups including communities concerned, State officials at various levels of government, researchers, young people and so on.

### Slide 9. The role of the Committee

Informed by Articles 16 and 18.3 of the Convention, the Operational Directives (OD 118, 123) specifically require the Intergovernmental Committee to ensure that information about ICH inscribed on the Lists and best practices inscribed on the Register of the Convention is made widely available for awareness-raising activities. Awareness raising can done by various stakeholders at the national and international level including schools, museums, universities and research institutions, and the media.

The Secretariat is tasked to assist the Committee in its awareness-raising activities both by acting as a clearing-house and by providing opportunities for information exchange between other parties. The website of the Convention thus features all elements inscribed on the Lists of the Convention and the practices inscribed on the Register of Best Practices.

The main reason for the existence of the Representative List of the Convention is to raise awareness about ICH and to give visibility to it. It is hoped that the current capacity-building campaigns around the Convention will be successful in encouraging a more equitable geographical balance of elements nominated to the Lists of the Convention.

OD 120 reminds us that ‘When publicizing and disseminating information on the elements inscribed on the Lists, care should be given to presenting the elements in their context and to focusing on their value and meaning for the communities concerned, rather than only on their aesthetic appeal or entertainment value.’

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| Article 16 | **Representative List of the Intangible Cultural Heritage of Humanity**  1. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity. |
| Article 18 | **Programmes, projects and activities for the safeguarding of the intangible cultural heritage**  3. The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it. |
| OD 118. | The Committee updates and publishes annually the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, the Representative List of the Intangible Cultural Heritage of Humanity and Register of programmes, projects and activities that best reflect the principles and objectives of the Convention. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance at the local, national and international levels, the Committee encourages and supports the widest possible dissemination of the Lists through formal and non-formal means, in particular by:   1. schools, including those belonging to UNESCO’s Associated Schools network; 2. community centres, museums, archives, libraries and similar entities; 3. universities, centres of expertise and research institutes; 4. all forms of media, including UNESCO’s website. |
| OD 123. | In order to assist the Committee in raising awareness of intangible cultural heritage, the UNESCO Secretariat shall ... [perform a variety of functions – see the ODs] |

### Slide 10. The UNESCO ICH website

The Intangible Heritage website, managed by the Secretariat to the Convention, contains, among many other things:

* The text of the Convention and its ODs;
* Information on the Organs of the Convention, including detailed reports of their meetings and lists of their decisions;
* A full list of the ICH elements and safeguarding projects on the Lists and the Register of the Convention;
* A kit explaining what ICH is, and why it is important;
* Information about the expert and informational meetings relating to the Convention from 1992 onwards;
* Downloadable forms for nominations and requests by States Parties; and
* Information about accredited NGOs.

The ICH website thus provides information about ICH and the Convention to specialists and to the public in general. Inscription on the Lists and selection for the Register of Best Practices under the Convention makes interested parties aware of ICH throughout the world, its function for the communities concerned, and any threats or risks to its viability.

Participants can be reminded that this website is a useful resource for developing awareness-raising activities (and for many other purposes).

The Secretariat also hosts a Facebook group for NGOs and civil society where discussions can be held on implementing the Convention.

Facilitators may wish, if the facilities are available, to open the ICH website and show participants the available resources.

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00001>

### Slide 11. States Parties

In Articles 13 and 14, and a number of ODs (listed below), States Parties are asked to raise awareness about the importance of ICH, the dangers threatening it, and the role of various actors in safeguarding it under the Convention. States Parties have to report about their activities regarding raising awareness in their periodic reports to the Committee (Article 29).

A high level of awareness is required among civil servants who are responsible for the safeguarding of the ICH under the Convention. For example, ministerial officials who have been mainly working on tangible heritage may need to have their awareness raised about ICH, and the opportunities offered, and obligations imposed, by the Convention. The same may apply to officials in other ministries such as education, health, agriculture and so on.

Participants have learned about the screening of the Surabhi series by the State broadcaster in India above. Activities promoted or funded by States Parties (information campaigns, school programmes) festivals and so on are thus, as a rule, carried out by other agencies, such as the media, schools, universities or research institutions. We will discuss these activities when we speak about the roles of other actors in raising awareness, but here we will focus on the activities in which the State Party plays a more immediate role.

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| OD 100. | With a view to effectively implementing the Convention, States Parties shall endeavour, by all appropriate means, to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned, as well as raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and ensure mutual appreciation thereof. |
| OD 105. | States Parties shall endeavour, by all appropriate means, to keep the public informed about the importance of intangible cultural heritage and the dangers threatening it, as well as about the activities carried out in pursuance of the Convention. |
| OD 106. | States Parties shall endeavour in particular to adopt measures to support the promotion and dissemination of the programmes, projects and activities selected by the Committee, in conformity with Article 18 of the Convention, as best reflecting the principles and objectives of the Convention. |
| OD 107. | States Parties shall endeavour, by all appropriate means, to ensure recognition of, respect for and enhancement of intangible cultural heritage through educational and information programmes, as well as capacity-building activities and non-formal means of transmitting knowledge (Article 14(a) of the Convention)... |
| OD 155. | The State Party reports on the measures taken at the national level to ensure greater recognition of, respect for and enhancement of intangible cultural heritage, in particular those referred to in Article 14 of the Convention:   1. educational, awareness-raising and information programmes; … |

### Slide 12. Colombian awareness-raising activities

Nominating elements to the Lists and safeguarding practices to the Register of the Convention is a way of raising awareness about ICH at the international level and reinforcing awareness about it at the national level. The promotion of inscribed elements by the Secretariat also raises awareness of the diversity of ICH across the world and the creativity inherent in it.

The Carnival of Barranquilla in Colombia, for example, was inscribed on the Representative List in 2008, after first being proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity in 2003. After this international recognition the Carnival became better known and appreciated outside Colombia.

The Carnival of Barranquilla in Colombia, held in the coastal town of Barranquilla every year during the four days before Lent, incorporates dancing and music from different Colombian sub-cultures. Contemporary political life and figures are satirized in mocking speeches while theatrical and musical performances recall historical events.

(Note: the rest of this example below is provided in the IMP 5.10.1 Hand-out: Examples of safeguarding measures)

In 2002 the Colombian Government, supported by UNESCO and financially by the Government of Japan, also launched a nationwide campaign to alert communities, civil society and scientific and governmental institutions about the importance of safeguarding Colombia’s intangible heritage. The Government wished to involve the general public and other stakeholders in ICH safeguarding actions and to raise support for ICH safeguarding among policy-makers and elected officials.

Activities included:

* Implementing a media campaign based on the theme ‘Show Who You Are’ to raise awareness, especially among Colombian youth, on the importance of maintaining Colombia’s cultural diversity. The campaign included three TV spots on national and regional TV channels, as well as an advertising campaign in major newspapers.
* Organizing five regional seminars to encourage communities, cultural agents, indigenous groups, and education and communication professionals to actively engage in safeguarding measures.
* Organizing the First National Encounter for ICH in Medellín (September 2005), which led to the establishment of national networks and encouraged political decision-makers to support the ratification of the Convention.

The Government also established an Intangible Heritage Committee in 2004, an advisory body to Colombia’s Ministry of Culture for the formulation of policies and the elaboration of criteria for inscription on national lists.[[1]](#footnote-1)

### Slide 13. South African Living Heritage Policy

In South Africa, which is not yet a State Party to the Convention, ICH was celebrated as the theme of the national heritage month in September 2004 (Living Heritage), 2008 (Dance) and 2010 (Living Human Treasures); various media took up the issue as a result. The development of an intangible heritage policy (2007-2009) was accompanied by a number of public meetings. This raised awareness about ICH as a concept, the Convention, and ICH-related issues facing heritage practitioners, policy-makers and researchers in South Africa. Once the draft policy, which broadly follows the framework of the Convention, was approved by the Minister of Arts and Culture in December 2009, it was placed on the departmental website and media releases were issued. Once the policy is finalized, specific awareness-raising activities recommended in the adopted policy may be implemented.

These activities show how national governments can raise awareness about ICH through policy formulation.

### Slide 14. The role of the media

The ODs foresee important roles for the media (i.e. media organizations) in raising awareness about ICH at the national level, with (Article 13 and 14) or without State support. Before media campaigns and programmes can be developed, it may be necessary to raise the awareness of journalists and editors about ICH.

Campaigns and educational programs could be developed not only for the benefit of the general public (e.g. using national television, newspapers or radio), but also for smaller target audiences (e.g. using community radio or local broadcasting channels). OD 111 makes it clear that in promoting awareness about ICH the media should highlight its role in fostering ‘social cohesion, sustainable development and prevention of conflict’, apart from its aesthetic or entertainment value. The media can provide information about ICH (as shown above in the case studies on India and Colombia), but it can also create platforms for people to share information with each other at national or local levels.

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| OD 81. | States Parties shall take necessary measures to sensitize communities, groups and, where applicable, individuals to the importance and value of their intangible cultural heritage, as well as of the Convention, so that the bearers of this heritage may fully benefit from this standard-setting instrument. |
| OD 105. | States Parties shall endeavour, by all appropriate means, to keep the public informed about the importance of intangible cultural heritage and the dangers threatening it, as well as about the activities carried out in pursuance of the Convention. To this end, States Parties are encouraged to:   1. support media campaigns and the broadcasting of intangible cultural heritage on all forms of media; … |
| OD 110. | The media can effectively contribute to raising awareness about the importance of intangible cultural heritage. |
| OD 111. | The media are encouraged to contribute to raising awareness about the importance of the intangible cultural heritage as a means to foster social cohesion, sustainable development and prevention of conflict, in preference to focusing only on its aesthetic or entertainment aspects. |
| OD 112. | The media are encouraged to contribute to raising awareness among the public at large about the diversity of intangible cultural heritage manifestations and expressions, particularly through the production of specialized programmes and products addressing different target groups. |
| OD 113. | Audio-visual media are encouraged to create quality television and radio programmes, as well as documentaries, to enhance the visibility of the intangible cultural heritage and its role in contemporary societies. Local broadcasting networks and community radios could play a major role in enhancing knowledge of local languages and culture, as well as spreading information on good safeguarding practices. |
| OD 114. | The media are encouraged to contribute to the sharing of information within communities by using their existing networks in order to support them in their safeguarding efforts, or by providing discussion forums at local and national levels. |

**Examples**

Participants have already been made aware of the use of the media through the Surabhi television program and the Colombian media campaign based on the theme ‘Show Who You Are’. Community use of the internet for raising awareness in Brazil will be discussed below.

### Slide 15. BBC Programme: Mastercrafts

In the UK, another country that has not yet ratified the Convention, awareness has been raised about traditional crafts through a BBC television programme called Mastercrafts. In 2010, the programme showed novices learning traditional ways of weaving, making stained glass, blacksmithing, thatching, as well as green wood craft and stonemasonry from experienced craftspeople. For the BBC, the Mastercrafts series was important as a way of connecting people to their British craft heritage, to their buildings, and to future working opportunities. Mastercrafts’ first episode had 2.658 million viewers.[[2]](#footnote-2)

The programme raised awareness about the need for serious dedication to learning crafts; it was not intended to show that they could be learned in a week. The presenter, Monty Don, said ‘What was interesting about the trainees in each one of these programmes was that, by and large, it transformed their lives,’ he says. ‘Not because they became wonderful blacksmiths or thatchers, but because they realized how hard it was to become wonderful. They suddenly realized that here was something that was tough, that was going to take a long time and that was real.’[[3]](#footnote-3) At the same time, other initiatives promoted apprenticeships and careers in these areas, supporting renovation work on historic buildings. The television programme was thus mainly aimed at raising awareness about the importance and intricacy of traditional skills. Coming out of the series was a book, and an active Facebook site (currently 1,632 members).

### Slide 16. the role of institutions and organizations

All institutions and organizations knowledgeable about ICH and its safeguarding can play a role in raising awareness about ICH, whether they are State agencies or non-governmental organizations, and whether they are partly or wholly State funded, or neither. They include:

* Educational institutions;
* Museums and archives;
* Non-governmental organizations, and community-based organizations;
* Centres of expertise, research and documentation; and
* Information technology institutions.

These institutions can promote better knowledge and understanding of ICH using their expertise and collections. Some of them may also promote the role of the Convention and provide information to others about ICH inscribed on the Lists of the Convention (OD 118, discussed above). Like all awareness-raising roleplayers, they should respect customary practices regarding access to the information disseminated. Information technology institutions and the conventional media can help in dissemination processes.

Often, awareness raising is achieved through educational programmes in schools and universities, assisted by the State (OD 107). The ODs emphasize the importance of experiential learning about ICH, through interaction with people, tasks and spaces.

(Institutions can also play a role in fostering practice and transmission of ICH but this will be discussed in a later session. In this session, we are focusing on developing an understanding and appreciation of ICH by target audiences that do not necessarily also lead to the practice and transmission of specific ICH elements by them.)

School curricula around the world increasingly include information about intangible heritage practices in domains such as dance, music, oral traditions and traditional crafts,. If all goes well, this kind of intervention can illustrate cultural diversity and teach respect for other people and their practices and beliefs. Vocational guidance about ICH-related careers, visits to ICH-related projects and places, and practical experience of ICH-related activities can raise awareness about its value to society among young people.

OD 107 encourages the State to support such awareness-raising activities through promotion of the mother-tongue in multilingual education, curricula that include ICH elements, opportunities for practical experience by students, capacity building for teachers, the provision of training materials and information platforms, the involvement of parents and ICH practitioners, and so on.

OD 109 reminds us that there should be a link between data collection and data management by ‘research institutes, centres of expertise, museums, archives, libraries, documentation centres and similar entities’ and raising awareness about ICH and its importance. Like the schools and universities, these institutions are encouraged to work closely with the communities, groups and individuals concerned to help raise awareness about their ICH. Practitioners and community members can be involved in developing and delivering educational and informational programmes, always representing ICH as ‘living heritage in constant evolution’. OD 108 envisages a specific role here for community-managed centres and associations, acting as information centres to raise awareness among the general public about the importance of ICH to their communities.

It is important to bear in mind that access to information should be managed in accordance with the wishes of the communities, groups and individuals concerned. The Australian Institute of Aboriginal and Torres Strait Islander Studies, for example, enforces provisions for confidentiality and access for users of their intangible heritage databases.

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| Article 13 | To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to: (d) adopt appropriate legal, technical, administrative and financial measures aimed at: (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them. |
| OD 107. | States Parties shall endeavour, by all appropriate means, to ensure recognition of, respect for and enhancement of intangible cultural heritage through educational and information programmes, as well as capacity-building activities and non-formal means of transmitting knowledge (Article 14 (a) of the Convention). States Parties are encouraged, in particular, to implement measures and policies aimed at:   1. promoting the role of intangible cultural heritage as an instrument of integration and intercultural dialogue, and promoting multilingual education to include vernacular languages; 2. teaching about intangible cultural heritage in school curricula adapted to local specificities, and developing appropriate educational and training material such as books, CDs, videos, documentaries, manuals or brochures; 3. enhancing the capacities of teachers to teach about intangible cultural heritage, and developing guides and manuals to this end; 4. involving parents and parent associations to suggest themes and modules for teaching intangible cultural heritage in schools; 5. involving practitioners and bearers in the development of educational programmes and inviting them to explain their heritage in schools and educational institutions; 6. …; 7. …; 8. privileging experiencing intangible cultural heritage with practical methods by employing participatory educational methodologies, also in the form of games, home-tutoring and apprenticeships; 9. developing activities such as summer training, open-days, visits, photo and video contests, cultural heritage itineraries, or school trips to natural spaces and places of memory whose existence is necessary for expressing intangible cultural heritage; 10. making full use, where appropriate, of information and communication technologies; 11. teaching about intangible cultural heritage in universities and fostering the development of interdisciplinary scientific, technical, and artistic studies, as well as research methodologies; 12. providing vocational guidance to youth by informing them about the value of intangible cultural heritage for personal and career development; 13. training communities, groups or individuals in the management of small businesses dealing with intangible cultural heritage. |
| OD 108. | Community centres and associations that are created and managed by communities themselves can play a vital role in ... informing the general public about its importance for those communities. In order to contribute to raising awareness about intangible cultural heritage and its importance, they are encouraged to:   1. …; 2. …; 3. serve as information centres about a community’s intangible cultural heritage. |
| OD 109. | Research institutes, centres of expertise, museums, archives, libraries, documentation centres and similar entities play an important role in collecting, documenting, archiving and conserving data on intangible cultural heritage, as well as in providing information and raising awareness about its importance. In order to enhance their awareness-raising functions about intangible cultural heritage, these entities are encouraged to:   1. involve practitioners and bearers of intangible cultural heritage when organizing exhibitions, lectures, seminars, debates and training on their heritage; 2. introduce and develop participatory approaches to presenting intangible cultural heritage as living heritage in constant evolution; 3. ...; 4. employ, when appropriate, information and communication technologies to communicate the meaning and value of intangible cultural heritage; 5. .... |
| OD 115. | Information technology institutions are encouraged to facilitate the interactive exchange of information and enhance non-formal means of transmission of intangible cultural heritage, in particular by developing interactive programmes and games targeting youth. |

### Slide 17. Example: Indira Gandhi National Centre for the Arts

The Indira Gandhi National Centre for the Arts (IGNCA), established in 1985, assists in raising awareness about India’s intangible heritage, among other things. Through workshops and seminars, it provides a national platform for dialogue between scholars, artists, policy makers and tradition bearers. One of the Centre’s major programs, undertaken in collaboration with the UNDP (United Nations Development Programme), uses multimedia computer technology to communicate information about cultural practices to the public. The Centre was also involved in inventorying, documentation and research about folk traditions around the ancient Sanskrit epic the Ramayana, and the development of awareness-raising campaigns among the communities concerned.[[4]](#footnote-4)

**Further information**

<http://www.ignca.nic.in/>

### Slide 18. The role of communities

Awareness may have to be raised within communities about the opportunities created by the Convention for the recognition and safeguarding of their ICH, especially in the case of communities that were in the past prevented from freely enjoying and practising their ICH.

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| OD 81. | States Parties shall take necessary measures to sensitize communities, groups and, where applicable, individuals to the importance and value of their intangible cultural heritage, as well as of the Convention, so that the bearers of this heritage may fully benefit from this standard-setting instrument. |
| OD 82. | In conformity with the provisions of Articles 11 to 15 of the Convention, States Parties shall undertake appropriate measures to ensure capacity building of communities, groups and, where applicable, individuals. |

Communities, of course, are well placed to organize or participate in awareness-raising activities about their ICH. If awareness-raising activities relate to specific ICH elements of a community or group, the ODs recommend that the communities, groups and individuals concerned have been involved as widely as possible, and that they have given their consent; also that the activities respect customary practices governing access to the element and that the communities concerned should benefit (OD 101). This is in line with the general requirement in the Convention that communities concerned should be involved as widely as possible in safeguarding their ICH (Article 15).

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| OD 101. | When raising awareness about the importance of specific elements of intangible cultural heritage, all parties are encouraged to observe the following principles:   1. The intangible cultural heritage concerned responds to the definition in Article 2.1 of the Convention; 2. The communities, groups and, where appropriate, individuals concerned have given their free, prior and informed consent to raise awareness about their intangible cultural heritage, and their widest possible participation in the awareness-raising actions is ensured; 3. The awareness-raising actions fully respect customary practices governing access to specific aspects of such heritage, in particular secret and sacred aspects; 4. The communities, groups and, where appropriate, individuals concerned shall benefit from the actions taken to raise awareness about their intangible cultural heritage. |

Activities undertaken by community members to raise awareness within their communities about, for instance, the impaired viability, functions and possible enhancement of elements of their ICH are vital in assisting safeguarding. Such activities deserve support from government agencies and other organizations.

A fascinating project in Brazil shows how communities themselves can raise awareness about their ICH and increase their sense of civic pride and identity while challenging discriminatory stereotypes and providing opportunities for the development of marketable skills among young people.

### Slide 19. The *Índios na visão dos Índios* (Indians as seen by Indians) project (Brazil)

In 1998 a number of researchers, indigenous members of the Golden Eagle NGO, and a community leader, formed the NGO Thydêwá: Visible Awareness for Indigenous People. This NGO was formed to encourage greater respect for indigenous people in Brazil and recognition of the realities they have faced, including discrimination. The initiative was aimed not only at the general public but also at indigenous communities themselves, particularly young people.

In 2000 the NGO launched a project called *Índios na visão dos Índios* (Indians as seen by Indians), aimed at sharing experiences, strengthening cultural awareness within the community and improving their sense of citizenship and quality of life. Through the project, indigenous people became their own anthropologists, historians, journalists and photographers, and published books, booklets and brochures. The State-sponsored *Celulares indígenas* project (Indian Cell Phones) trained 60 members of these communities to take photographs, videos, and recordings and to use computers and the internet. In 2004 each settlement gained access to broadband internet at Indigenous Culture Points. The project created a network and an interactive portal, *Indios on Line.* It currently involves seven indigenous groups in Bahia, Pernambuco and Alagoas (2010) and plans to expand to 15 in a few years. The portal hosts audio-visual and written materials.

*Indígenas Digitais,* another project by the same NGO, helps community members to share ideas and information about how they relate to digital media and more broadly to information and communication technologies (ICTs).

The NGO has received support from national and international institutions, public and private, as well as awards and endorsements. A sustainable intercultural education program has also now been launched in local schools, in partnership with the Ministries of Culture, Communication and Education.

The project *Índios na visão dos Índios* has helped to strengthen ‘criticism and self-awareness, and consciousness within the indigenous youth about the historical processes experienced by the Indians.’ It was attractive to young indigenous people, who could acquire ICT skills, learning to operate computers, cell phones, cameras and video cameras, design web pages and navigate around the internet, while doing research and providing information about their own communities. The ICT-related projects challenged discriminatory stereotypes about indigenous communities presuming that they would be unable to learn ICT skills, or that modern technologies would threaten their cultural identity. More broadly, the various projects have assisted the indigenous community to build a space for intercultural dialogue, to reduce prejudice, discrimination, violence and injustice.

**Further information:**

<http://www.indiosonline.org.br/novo/>

CAB - Convenio Andrés Bello. Indios na visao dos Indios, Indios On Line.Report presented to the program *Somos Patrimonio.* Bogotá, CAB, 2008.

CSIA. *Les Indiens par le regard des Indiens: Truká*. Suisse, Comité de solidarité avec les indiens d’Amérique, 2005.

### Slide 20-21. The emblem of the Convention

In 2007 the Committee asked the Secretariat to undertake actions that might assist the Organs of the Convention in selecting an emblem (or logo) for the Convention. An emblem was considered necessary to give better visibility to the Convention and for use in awareness-raising campaigns. In June 2008, the Organs of the Convention selected an emblem, designed by Dragutin Dado Kovačević, of Croatia, which has been in use ever since.

The emblem should only be used in combination with UNESCO’s logo (OD 125). The use of the two logos is subject to rules (see OD 128). Only the Organs of the Convention and its Secretariat have the right to use the emblem without prior authorization. Such authorization may be given to others by the Organs of the Convention and, in specific cases, by the Director-General of UNESCO. The use of the emblem may only be authorized if the project or manifestation concerned is relevant to the Convention’s purposes and in compliance with its principles (OD 134). Further criteria and conditions for the use of the emblem are mentioned in ODs 137 to 139.

Authorization for commercial use of the emblem is possible, though only within the context of the activity with which the emblem is associated (OD 141) and only under a special contractual arrangement (OD 142). OD 142 mentions the sale of goods or services bearing the emblem for profit (part of which is to be received by the Intangible Heritage Funds – OD 143). However, when it discussed culinary practices proposed for inscription on the Representative List in November 2010, the Committee seemed to develop a consensus position that commercialized products resulting from ICH practices should not be promoted with reference to the Convention, or to an inscription of an element on one of its Lists.

### Slide 22. Taking care

The Operational Directives warn that it is important to protect ICH and the communities concerned from misrepresentation or exploitation through awareness-raising activities when specific elements of their ICH are mentioned. Following the guidelines provided by the ODs helps to ensure that raising awareness does not itself threaten the viability of the ICH. OD 103 suggests that States Parties develop codes of ethics to encourage responsible awareness raising.

Some of the issues these codes of ethics might address include:

* **Community involvement and consent:** All roleplayers have to ensure the widest possible participation of the communities concerned in awareness raising about their ICH and obtain their free prior and informed consent for the planned activities (OD 101(b));
* **Respect for customary restrictions on access**: Information provided in the framework of awareness-raising activities should take into account any customary restrictions on access to ICH (Article 13(d)(ii), OD 101(c));
* **Mutual respect**: To ensure the principles of mutual respect and human rights are observed, role players should ensure that ICH featuring in awareness-raising processes complies with the definition in the Convention (Article 2.1, OD 101(a)) and that the awareness-raising activities do not contribute to justifying any sort of discrimination (OD 102(c));
* **Protecting viability**: Awareness-raising activities should not decontexualize or denaturalize the ICH element (OD 102(a)), for example by staging performances that are normally performed within a certain context outside of their usual time or place;
* **Fair representation**: Awareness-raising activities should not misrepresent the ICH element or the communities concerned (OD 102(b));
* **Fair benefit**: The communities concerned should benefit from raising awareness not just in terms of increased viability of their ICH (OD 101(d)) but also from any financial rewards of increased visibility or awareness of their ICH. Over-commercialization, misappropriation of their knowledge and skills and unsustainable tourism should be avoided (OD 102(d), OD 102(e)). States Parties should try and ensure that community intellectual property rights in regard to their ICH are protected when awareness-raising activities are implemented (OD 104).

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| OD 101. | When raising awareness about the importance of specific elements of intangible cultural heritage, all parties are encouraged to observe the following principles:   1. The intangible cultural heritage concerned responds to the definition in Article 2.1 of the Convention; 2. The communities, groups and, where appropriate, individuals concerned have given their free, prior and informed consent to raise awareness about their intangible cultural heritage, and their widest possible participation in the awareness-raising actions is ensured; 3. The awareness-raising actions fully respect customary practices governing access to specific aspects of such heritage, in particular secret and sacred aspects; 4. The communities, groups and, where appropriate, individuals concerned shall benefit from the actions taken to raise awareness about their intangible cultural heritage. |
| OD 102. | All parties are encouraged to take particular care to ensure that awareness-raising actions will not:   1. de-contextualize or denaturalize the intangible cultural heritage manifestations or expressions concerned; 2. mark the communities, groups or individuals concerned as not participating in contemporary life, or harm in any way their image; 3. contribute to justifying any form of political, social, ethnic, religious, linguistic or gender-based discrimination; 4. facilitate the misappropriation or abuse of the knowledge and skills of the communities, groups or individuals concerned; 5. lead to over-commercialization or to unsustainable tourism that may put at risk the intangible cultural heritage concerned. |
| OD 103. | States Parties are encouraged to develop and adopt codes of ethics based on the provisions of the Convention and these Operational Directives, in order to ensure appropriate ways of raising awareness about the intangible cultural heritage present in their respective territories. |
| OD 104. | States Parties shall endeavour to ensure, in particular through the application of intellectual property rights, privacy rights and any other appropriate form of legal protection, that the rights of the communities, groups and individuals that create, bear and transmit their intangible cultural heritage are duly protected when raising awareness about their heritage or engaging in commercial activities. |

### Slides 23-26:

Optional slides of various key aspects of OD 102 illustrating the points made above.

# IMP 5.6 Lesson plan: Inventorying

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| **Title of activity: Implementing the Convention 5.6 – Inventorying** |
| Duration: 3 hours |
| Objective(s):  Establish fundamental understanding of what the Convention means by inventorying with a view to safeguarding, what its essential features are and how it may contribute to safeguarding. Discuss different inventorying models around the world. |
| Description:  IMP Presentation 5.6   * Why inventories are needed * What the Convention says about inventorying: leeway and restrictions * The purpose and possible outcomes of inventorying * From inventories to nominations * Planning inventorying projects * Examples of inventorying processes * Case studies:   + AIATSIS access restrictions (Australia)   + Newfoundland and Labrador inventory (Canada)   + Busoga community inventory (Uganda)   + Brazil’s inventory and registry   + Indonesian national inventory   + The Hiiumaa Island inventory (Estonia) |
| Supporting documents:   * IMP Presentation 5.6 plus narrative * Hand-out 5.6 – About inventorying |

**Notes and suggestions:**

Various exercises are provided in the narrative. The exercise at slide 6 (10 mins) on inventorying tangible and intangible elements provides an opportunity to discuss the differences between inventories of tangible and intangible heritage.

The exercise at slide 13 (20 mins) on issues in designing inventorying processes provides an opportunity for participants to discuss some issues relating to their own State’s inventorying projects. Facilitators should remember that this is not a workshop on inventorying and may need to limit the time devoted to this if significant problems are being experienced in this regard (a separate workshop on inventorying may be needed). The case studies may be used to illustrate the variety of inventorying approaches adopted, and some of the options available to States Parties.

Hand-out 5.6 ‘About Inventorying’ provides some practical information about inventory making that participants may read for themselves, before or after the session, and about which they may have questions. There will probably not be enough time to go through the hand-out in any detail. The hand-out presents general information about inventories (in the same way as the narratives with the slides of this session), questions that may help discussions during the preparation of an inventorying exercise and, finally, a suggestion for a questionnaire that might be used to elicit information about elements one wishes to include in an inventory – that model inventory can be adapted, used as a basis for discussions, or neglected.

# IMP 5.6 Presentation: Inventorying

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# IMP 5.6 Narrative: Inventorying

### Slide 1. Title

In this presentation we discuss inventorying. This, alongside identification and definition of the ICH, is one of the two major obligations States accept when they become parties to the Convention.

### Slide 2. In this presentation...

This presentation will address the following:

* Why inventories are needed
* What the Convention says about inventorying
* Planning inventorying projects
* Examples of inventorying processes

### Slide 3. Why inventories

In order to be able to safeguard the intangible heritage of a community or group (or specific ICH elements) one may first wish to identify what elements there are, which are threatened and which of those may be safeguarded. Inventorying is one of the ways in which data about ICH elements can be stored and accessed. Drawing up inventories can help to raise awareness about the presence and nature of ICH in a community or territory, its value to the communities concerned and the importance of safeguarding it. The inventory process can also help to build communication and trust among the various stakeholders if ICH safeguarding activities are subsequently undertaken.

Each State Party is required (by Article 12 of the Convention) to draw up one or more inventories of the ICH present in its territory, after having identified the elements to be inventoried with the participation of communities, groups and relevant NGOs (Article 11(b)). The two relevant articles of the Convention, that, according to Article 20(b) of the Convention should be interpreted together, are presented in the box below, and a slide is allocated for each article.

**Article 11**

Each State Party shall: (...)

(b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.

**Article 12**

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories.

### Slide 4. Identify ICH With the participation of communities

Since it is the communities and groups who create, enact and transmit ICH and since only they can be the primary agents safeguarding it, inventorying, too, requires their participation: it is their ICH.

Article 11(b) of the Convention requires States Parties to identify and define the ICH present in their territory, with the participation of communities, groups and relevant non-governmental organizations. This is consistent with the indication in Article 2.1 of the Convention (see slide) that ICH is the ‘practices, expressions, knowledge and skills *that communities, groups and, in some cases, individuals recognize* as part of their cultural heritage’.

This is also consistent with the emphasis placed in the Convention on the central role of communities, groups and individuals, who identify with, create, maintain and transmit their intangible heritage. The State, researchers, institutions or organizations, however good their intentions might be, do not own this heritage by virtue of it being practised in a certain territory or publicized to the outside world by a certain institution or researcher.

**Note on ownership of ICH:**

Article 1(c) mentions the ICH of the communities, groups and individuals concerned; the Convention does not use expressions such as ICH of a State or States, it speaks instead about ICH present in the territory of a State (Party). The stewardship of the communities over the ICH is further confirmed by the fact that they – the communities, groups and individuals that create, maintain and transmit such heritage (Article 15) – have to identify the ICH (Article 2.1) and that their customary practices governing access to it are to be respected by third parties, including the State (Article 13(d)(ii)). Compare Article 3 of The World Heritage Convention that assigns to the State the task of identifying and describing properties on its territory for nomination to the World Heritage List (tangible heritage of universal outstanding value).

Participation is not just about making sure there are a few stakeholder meetings at which communities are informed by the State or NGOs about the progress of their plans and activities regarding the elements concerned. The relevant communities, groups and individuals should play a key role in all activities concerning their ICH. This may not be an easy process, of course, because people within communities or groups do not always agree among themselves, or with outsiders. People may disagree, for example, about the identification, the viability status, the function or values of elements of their intangible heritage.

Some ICH elements may be enacted at any time, others every year, for example at the time of the harvest; some may be enacted once a decade or even less frequently. Inventorying may therefore not be done in one short visit to a community or region, but should be an on-going process in which communities concerned are integrally involved.

In the Operational Directives (OD 80), States Parties are therefore encouraged to create a consultative body or a coordination mechanism to facilitate the participation of communities, groups and, where applicable, individuals (as well as experts, centres of expertise and research institutes) in identification and inventorying and in various other activities concerning their ICH.

### Slide 5. With a view to safeguarding

Article 12 of the Convention requires inventories to be drawn up under the Convention, and *to be aimed at safeguarding*. That implies that sufficient detail about viability and threats should be included in an inventory to guide possible safeguarding measures in the future. The inventorying process can raise awareness about the value of an element both within and outside the communities concerned, and increase commitment within communities to continue practising and transmitting it.

Identification for inventorying may influence safeguarding to some extent. To illustrate this, take the example of a street procession in which songs and dances are performed in public and in townspeople’s houses. This element might be described in the inventory as a ‘procession in Town X’, more narrowly as the ‘songs and dances of the procession in Town X’ or more broadly as ‘the social practices of the people of Town X’. The scope of the definition of the element (remember, this is done with the participation of the community concerned), may affect the kinds of safeguarding measures chosen, if it is in need of safeguarding.

### Slide 6. Case study: identifying, defining and safeguarding ICH - knitting and weaving in Estonia

The relationship between ICH practices and the products created is particularly interesting in the case of the ‘traditional craftsmanship’ domain of ICH (Article 2.2 of the Convention). Traditional handicrafts are characterized by the skills and knowledge to make the handicraft (passed down through the generations) as well as the designs used and the products made. Through a discussion of this or a similar case study, participants can be encouraged (time permitting) to consider aspects of the relationship between identification and safeguarding or conservation of tangible and intangible heritage.

Most museums and archives have been, and continue to be, focused on collecting and conserving tangible objects and documents, especially those of some antiquity. These objects are often products of ICH practices or expressions. Since the shift in heritage thinking that has placed greater emphasis on safeguarding intangible heritage, many museums are now also collecting, documenting and exhibiting contemporary objects or products and exploring their relationships to the ICH practices that created them. Some even document or exhibit current production processes. Museums, archives and other organizations now also organize inventorying and safeguarding projects specifically for intangible heritage, inspired in many cases by the Convention.

Different approaches are followed for the identification and safeguarding of knowledge and skills on the one hand, and the identification and conservation of handicraft products on the other hand. Under the Intangible Heritage Convention it is the process of production that matters, not the product itself. Products generated by ICH processes are not included in the Convention’s definition of ICH although the tools or other objects or instruments involved in making these products are included. Tangible heritage conservation approaches, on the other hand, focus on the products created - to the exclusion (in many cases) of the processes by which they were created. Not all handicraft products, even when produced by traditional processes, would be considered heritage-worthy by a museum or archive.

The specific interests of community members, institutions or specialists who wish to engage in a safeguarding or conservation activity around a handicraft determine how the heritage associated with that handicraft is defined and the safeguarding or conservation strategies chosen:

* If one identifies the traditional woven and knitted products as the heritage to be protected, for example, one might create a collection and an inventory of tangible heritage (e.g. knitted socks). This might require conservation interventions to protect the items from physical destruction (e.g. moths).
* If one identifies the skills in producing the woven products as the heritage to be safeguarded, one might document the creative process and its transmission and/or create an inventory of the knitting and weaving skills, perhaps also referencing the people skilled in this field, and the equipment or yarns used in the production processes. This might lead to safeguarding measures encouraging local people to create traditional woven and knitted products using techniques passed down through the generations.
* One might also identify the traditional patterns used in knitting or weaving these items as the main intangible heritage to be safeguarded, and therefore focus on documenting and reproducing (or further developing) these patterns in new products.

The Estonian artist and anthropologist Anu Raud, for instance, has encouraged her students to research and document traditional weaving and knitting patterns in museum and other collections around the country and use them in the creation of soft toys and other new products, thus safeguarding the practice of the pattern-making skills even as the wearing of knitted socks and other traditional products, for example, becomes less widespread.

All these kinds of inventorying and safeguarding strategies are necessary in their own right, and interlinked. It is beneficial to take a holistic approach to safeguarding in the domain of handicrafts: while identifying and inventorying the intangible heritage aspects (knowledge, skills, designs) one cannot ignore the resulting products (and their development); when targeting the products for conservation, it is critical that the skills and knowledge involved, the crafters and their role in society should not be ignored.

### Exercise (10 mins): inventorying tangible and intangible elements

Participants should think of examples where tangible and intangible heritage elements are closely linked. They should consider whether focusing on either tangible or intangible heritage in identification or definition of the heritage has affected safeguarding or conservation strategies, and if so, whether this has had a positive or negative effect.

### Slide 7. Access to information about the element

Article 13 of the Convention requires States Parties to promote access to the ICH in a responsible way: ‘respecting customary practices governing access to specific aspects of such heritage’.

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| **Article 13**  To ensure the safeguarding, development and promotion of the ICH present in its territory, each State Party shall (...)  (d) adopt appropriate legal, technical, administrative and financial measures aimed at (...)  (ii) ensuring access to the ICH while respecting customary practices governing access to specific aspects of such heritage; |

This applies to any ICH-related activities, such as inventorying, safeguarding and awareness raising (OD 101(c)), including activities undertaken by the Committee and the Secretariat aimed at giving visibility to the ICH. Customary restrictions on access to ICH practices and knowledge should also be taken into account in regulations that govern access to information about ICH contained in inventories, archives and elsewhere. Some information may need to be omitted from inventories for this reason; documentation of secret or sacred aspects of ICH practice may be open for limited access only.

Sensitivity to customary restrictions on access to ICH is not particularly difficult to achieve if the consent of the communities or groups concerned has to be sought for the way information and documentation about their ICH is to be archived and made accessible. Ideally, the communities or groups concerned would be involved as equal partners in the management and control of the documentation and archiving of information about their ICH and in the definition of rules for access to that information.

The ODs do not cover inventory making in any detail, but encourage States Parties to develop codes of ethics ‘to ensure appropriate ways of raising awareness’ about the ICH (see OD 103). These codes of ethics could cover issues such as consent for access to information.

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| OD 103. | States Parties are encouraged to develop and adopt codes of ethics based on the provisions of the Convention and these Operational Directives, in order to ensure appropriate ways of raising awareness about the intangible cultural heritage present in their respective territories. |

In several countries (including Brazil, Canada and Australia) the authorities have begun to regulate data collection and access to information about ICH in cooperation with community representatives and researchers. Such regulations allow communities to maintain customary restrictions on access to their ICH, and also in some cases to protect their rights over their ICH.

### Slide 8: Institute of Aboriginal and Torres Strait Islander Studies

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), for example, enforces provisions for confidentiality and access in their intangible heritage databases.

AIATSIS, which is based in Canberra, Australia, aims to ‘affirm and raise awareness among all Australians, and people of other nations, of the richness and diversity of Australian Indigenous cultures and histories’, by encouraging research, publication and documentation. It also aims to encourage understanding of and information exchange about Australian Indigenous cultures within the community of Aboriginal and Torres Strait Islander societies. It maintains ‘a cultural resource collection consisting of materials relating to Aboriginal and Torres Strait Islander Studies’.

AIATSIS has developed a code of ethics for researchers and adopted a set of protocols for ensuring Indigenous control over access to sensitive items submitted to the collections – the Aboriginal and Torres Strait Islander Protocols for Libraries, Archives and Information Services. ‘The Protocols are intended to guide libraries, archives and information services in appropriate ways to interact with Aboriginal and Torres Strait Islander people in the communities which the organizations serve, and to handle materials with Aboriginal and Torres Strait Islander content.’

AITSIS makes it a condition of use of its online catalogue that ‘users ensure that any disclosure of the information contained in this catalogue is consistent with the views and sensitivities of relevant Aboriginal and Torres Strait Islander peoples. This includes:

**‘Language**

Users are warned that there may be words and descriptions which may be culturally sensitive and which might not normally be used in certain public or community contexts. Terms and annotations which reflect the author's attitude or that of the period in which the item was written may be considered inappropriate today in some circumstances.

**Deceased Persons**

Users of this catalogue should be aware that, in some Aboriginal and Torres Strait Islander Communities, seeing images of deceased persons in photographs, film and books or hearing them in recordings etc. may cause sadness or distress and in some cases, offend against strongly held cultural prohibitions.

**Access Conditions**

Materials included in this catalogue may be subject to access conditions imposed by Indigenous communities and/or depositors. Users are advised that access to some materials may be subject to these terms and conditions which the Institute is required to maintain.’

AIATSIS <http://www.aiatsis.gov.au/>

AIATSIS collections access protocols <http://www.aiatsis.gov.au/collections/overview.html>

AIATSIS research ethics <http://www.aiatsis.gov.au/research/ethics.html>

### Slide 9. Leeway and restrictions

The phrase ‘*in a manner geared to its own situation’* (Article 12.1) leaves considerable leeway to the States Parties in drawing up inventories. The Convention does, however, suggest a few ways of fulfilling this obligation, some of which are clarified further in the ODs. The Convention and the ODs make it clear that inventories:

* Should present elements that were defined and identified with the participation of the communities and groups, and of relevant NGOs (see Article 11(b));
* Should be prepared with the widest possible participation of communities, groups and individuals concerned (Article 15, OD 80);
* Should be designed in such a way that they may contribute to safeguarding (‘to ensure identification with a view to safeguarding’, Article 12.1);
* Should make an effort to cover the ICH present in the territory of the State Party concerned (‘one or more inventories of the ICH present in its territory’, Article 12.1);
* Should be regularly updated (Article 12.2) and therefore should be developed in such a way that that can be done easily; OD 153(a) indicates that the six-yearly reports States Parties have to submit to the Committee in accordance with Article 28, should provide information about the ‘drawing up of inventories as described in Articles 11 and 12 of the Convention’; and
* Should not violate customary practices concerning access to the ICH, and any associated places, persons and materials (Article 13(d)(ii)); and should not include information on an element without the consent of the community, group or individual concerned.

### Slide 10. The purpose and possible outcomes of Inventorying

Inventorying is not a simple listing of intangible heritage elements, although the information provided in an inventory may be quite limited. Under the Convention, inventorying cannot be a goal in itself.

Inventorying may have various purposes. In the first place, as indicated in Article 12, inventories should be designed to contribute to safeguarding. Identifying elements with impaired viability may lead to better safeguarding thereof. Inventorying may boost the sense of identity and continuity of the communities concerned. It will certainly create greater awareness about ICH both outside and within the communities concerned. Raising awareness in this way may have a positive effect on an element’s viability if the community concerned becomes more willing to continue enactment and transmission of the element as a result of its appearance on an inventory. (Inventorying does not however need to precede safeguarding: a State Party, with the communities concerned, may still develop safeguarding plans for elements that have not yet been inventoried.)

The process of identification and inventorying may also help establish good relationships between civil servants representing the States, the community and other stakeholders who may be involved in the management or safeguarding of inventoried elements at a later date.

Inventorying may thus contribute to safeguarding, and more broadly to good governance, social cohesion and community building.

Inventorying will be an on-going process in most States Parties, because of the large number of ICH elements requiring inventorying in all regions of the world, because of the ever-changing character of the ICH (and its changing viability) and because of the necessity to regularly update inventories.

### Slide 11. From inventories to nominations

There is a direct link between inventorying and the preparation of nominations for the Lists of the Convention: only ICH elements that already figure in an inventory of ICH in the territory of the State Party concerned may be nominated.

The forms that States Parties have to fill in when preparing the nomination of an element, contain the following instruction for criteria U.5 and R.5 (to be found in OD 1 and OD 2 respectively), see forms ICH 01 and ICH 02, both available on the website of the Convention:

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| **‘Criterion U5. Inclusion of the element in an inventory**  The State(s) shall demonstrate that ‘the element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s) Party(ies) as defined in Articles 11 and 12 of the Convention’.  Identify the inventory in which the element has been included and the office, agency, organization or body responsible for maintaining that inventory. Demonstrate that the inventory has been drawn up in conformity with the Convention, in particular Article 11(b) that stipulates that intangible cultural heritage shall be identified and defined ‘with the participation of communities, groups and relevant non-governmental organizations’ and Article 12 requiring that inventories be regularly updated.  The nominated element’s inclusion in an inventory should not in any way imply or require that the inventory(ies) should have been completed prior to nomination. Rather, a submitting State Party may be in the process of completing or updating one or more inventories, but has already duly included the nominated element on an inventory-in-progress.  Attach to the nomination form documents showing the inclusion of the element in an inventory or refer to a website presenting that inventory.’ |

This means that inventory-making has to start before nominations can be made to the Convention’s Lists. Inventories have to give proof that the communities concerned recognized the inventoried elements as part of their heritage. States Parties thus have to provide sufficient information on community participation in the identification of the elements placed on their inventory. This information has to be provided when elements are nominated to the Lists of the Convention.

Inventories may also provide information on other aspects of the element, showing for example that it conforms to the definition of ICH used by the State Party, but they do not have to contain extensive documentation about the element. In a nomination process, existing information will have to be checked and additional information may need to be collected. Proof of community consent to the nomination will have to be submitted as well.

The Convention encourages each State Party to work towards inventorying the ICH ‘present in its territory’. A broad approach is thus encouraged. The kind of inventorying project undertaken in a State Party will influence the choice of elements to be nominated, and sometimes vice versa. Although inventorying is not required for safeguarding, it may also affect the range of safeguarding projects to be undertaken. Inventorying processes that cover only a small region of the country or a small number of the communities living therein may lead to nominations that are not representative of the diversity existing in that State, or to a bias in safeguarding activities.

### Slide 12. Planning an inventorying project: basic tasks

Under the Convention, States Parties are free to organize and present their inventories according to their own circumstances and needs; this includes also the design of the inventories and the definitions or classification systems used therein.

There are many different ways in which inventorying can be done and still be compatible with the principles of the Convention. There are thus many choices to be made when developing an inventorying strategy for a country.

However, as mentioned above, inventories should contribute to safeguarding (Article 12.1) and involve communities (Article 11(b), Article 15), providing access without violating customary restrictions (Article 13(d)(ii)). An inventory is always work-in-progress because new elements need to be added and existing entries updated or deleted.

This broader context should be taken into account when designing an inventorying process.

In the hand-out on inventorying, participants will see some practical suggestions for the development of an inventorying project. Basic tasks would include:

* Determining the purpose(s) of the inventory(ies)
* Identifying/creating structures for data collection and networking
* Identifying and involving the communities concerned and other stakeholders, including relevant NGOs (if any)
* Finding resources to undertake the project
* Building consultative mechanisms and trust between stakeholders, obtaining consent
* Data collection and data entry
* Dissemination, access and updating

### Slide 13. Planning inventorying projects: many questions

This slide is left blank to receive questions identified by the participants with the assistance of Hand-out 5.6.

### Exercise (20 mins): issues in designing inventorying processes

Participants may discuss how the inventorying process could be conducted in their country, if it has not yet started. Depending on the profile of participants in the workshop, even if the inventorying process in a country is already underway it may be useful to use the session to discuss the current inventorying process and ways of addressing any challenges faced by it.

Some questions that might come up are:

* Will there be one or more than one inventory?
* If more than one inventory is envisaged, what will be the relationship between the different inventories?
* How will inventories be set up – by administrative entity, by community, by domain, or according to other criteria? If there is more than one inventory, will they be set up along similar lines, or not?
* How will the inventorying exercise and its later updating be financed?
* Who will develop the questionnaire, or questionnaires for the inventories?
* What information will be collected on the elements to be inventoried?
* What definition of ICH will be used?
* What system of domains or categories will be used?
* How comprehensive is the inventorying exercise intended to be?
* Who will collect the information?
* How will relevant communities be informed about and involved in the data collection?
* How will relevant non-governmental organizations and institutions be involved in the exercise, if at all?
* Who will control the input of data onto the inventory/inventories?
* What depth of information will be provided about elements in the inventory(ies)?
* Who will manage and control access to the data collected?
* How will sensitive data be managed to ensure respect for customary restrictions on access?
* How will elements that are shared by more than one community be dealt with?
* How will elements that also are found outside the country be dealt with?
* How will inventories be published or disseminated?
* How will change be accommodated, and updating be organized?

Most of these questions are not easily answered using the Convention and the ODs, and will need to be decided by those making the inventory. However, some guidance is provided below, indicating how the framework provided by the Convention and its ODs can be used to guide decision-making in some cases.

**Defining ICH**

The criteria for including elements in an inventory should be clear and transparent. Some States use the definition of ICH provided in the Convention. Other States use a definition of ICH that differs in some respects from the one in Article 2.1 of the Convention. They may include ICH elements that are no longer practised in the definition, for example; they may include languages; or elements that are not in conformity with generally accepted international human rights instruments. The Convention allows for expanded definitions of ICH to be used for inventorying, but any elements nominated to one of the Convention’s lists will have to comply with the Convention’s definition of ICH (OD 1-2).

**Determining the scope of the inventory**

The Convention does not require the preparation of a single national inventory. Some States do prepare national inventories, but most federal States could not have ‘national’ inventories, and many States have separate inventories for different parts of the country, for different domains, for different communities, or for different purposes, or for combinations thereof.

The scope and size of inventories may vary considerably depending on their aim, available resources and methods of data collection. Some countries, for instance, accommodate both tangible and intangible heritage in the same inventory. Some inventories seek to be comprehensive, while others aim for a representative sample. Some countries make it clear that inclusion on national lists is closely linked to current and proposed nominations to the Lists of the Convention. Iran, for instance, has a National List and a List of its ICH that is in need of safeguarding.

The inventory, or inventories, prepared by a State Party are supposed to contain information about ‘the ICH present in its territory’: this suggests that it should aim to cover all the ICH that country, in its diversity, at some intended end point. Any activity under the Convention should ‘encourage dialogue which encourages cultural diversity’ (Article 16). The Convention is not meant to be abused for forms of nation-building that are not compatible with the principle of mutual respect among communities.

When a State Party develops several inventories, for example at national and provincial level, this sometimes introduces hierarchies between ICH elements. In other cases, inventorying an element makes it seem more important than elements that have not been inventoried. It is against the spirit of the Convention to create hierarchies between ICH elements.

**Organizing the inventory: classification systems**

To organize the data, many inventories developed by States Parties use the non-exhaustive set of domains presented in Article 2.2 of the Convention, often with adaptations and/or additions, in a manner geared to their own situation. Some use an alternative classification system developed by experts and/or community representatives. Whatever classification system is used, it is important that it facilitates appropriate access to the data by communities concerned and by other stakeholders in the process. It would thus be desirable, in view of the requirement for community involvement, access and consent, that classification and access systems for inventories are easily understandable to non-specialists and follow the identification of individual elements by the communities themselves, for example by using local terms to name them.

**Determining the level of detail provided about each element**

States Parties are totally free to provide whatever level of information is considered necessary to meet the safeguarding aims, and any participation and access requirements according to the Convention. Some inventories are similar to encyclopaedias, providing rather general information about the elements they present; others contain detailed information about some or even all elements included. When States draw up more than one inventory, there is no requirement that these are organized identically. However, sufficient detail should be provided to aid in safeguarding and, ideally, a relatively uniform level of detail should be provided.

**Enabling community participation**

Some inventorying processes start with the communities concerned, others are expert-led, but in all cases the Convention requires the widest possible participation of the communities concerned (Article 11(b), 15). Inventories drawn up by States Parties have to be drawn up with community participation and consent (see the instruction with item 4(b) on form ICH 01). OD 80 encourages the States Parties

‘to create a consultative body or a coordination mechanism to facilitate the participation of communities, groups and, where applicable, individuals, as well as experts, centres of expertise and research institutes, in particular in: (a) the identification and definition of the different elements of ICH present on their territories; (b) the drawing up of inventories …’.

### Slide 14. Advice on inventorying from UNESCO?

The Secretariat of the Convention is often asked to provide advice on how to undertake inventory-making. The Secretariat cannot be very helpful here, as the Committee fully subscribes to the principle that States Parties should develop inventories in a manner geared to their own situations. Useful general information can be found in the **kit** that the Secretariat prepared and that can be downloaded from the webpage of the Convention. It has a special section on identifying and inventorying ICH, see:

<http://www.unesco.org/culture/ich/doc/src/01856-EN.pdf>

The Secretariat also publicizes descriptions of inventorying processes that are already well under way, not as models to be copied, but as examples for reflection and inspiration.

The website of the Convention presents a model questionnaire for identifying elements with a view to presenting them in an inventory. That questionnaire was drawn up and then refined by experts attending various meetings organized by UNESCO on the implementation of the Convention. The questions it contains might be used to order information that might be collected with community members for the purpose of inventory making. There is no obligation whatsoever to use the model questionnaire, which is designed primarily to help inventorying projects ask the right questions and to find inspiration for inventorying ICH in the spirit of the Convention. The model is presented in Hand-out 5.6.

### Slide 15. Examples of inventories

A few examples of ways in which inventories have been drawn up in different countries may be provided to show how the process can work.

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| Note: the facilitator may choose some of the examples below for discussion. Many different kinds of inventories of intangible heritage have already been initiated by States Parties to the Convention. Details of some of these processes are available in the sheet on Additional Resources (Hand-out 5.1.1).  Some inventories are very large and detailed. Other inventories are smaller, and more selective.  In Venezuela, a community-driven inventorying process has documented both tangible and intangible heritage of value to local people. The data were gathered in 335 municipalities using questionnaires administered by existing networks of cultural workers, students and teachers, assisted by teams of volunteers. Short descriptions of more than 80 000 cultural expressions were published in over 200 volumes. The inventory is used as a cultural and educational tool in formulating development policies.  In Bulgaria, an inventorying project was conducted in 2001 and 2002, based on a questionnaire sent to communities through administrative channels and through the network of local culture and community centres, and then analyzed by experts. The main criteria for including an element in the inventory were authenticity, representativeness, artistic value, vitality, and rootedness in tradition.[[5]](#footnote-5) A first version of the inventory was placed online for public comment before publication. The inventory was divided into national and regional lists. Intangible heritage domains used in the inventory included traditional rites and feasts, traditional singing and music playing, traditional dancing and children’s games, traditional narration, traditional crafts and traditional medicine.  China’s inventorying project identified 870,000 items of intangible cultural heritage in the country between 2005 and 2009. China has national, provincial, county and municipal lists of ICH under development. Intangible heritage is categorized on the national lists as follows: folk literature, folk music, folk dance, traditional drama, oral traditions (quyi), acrobatics and contests of skill, folk arts, handicraft skills, traditional medicine and folk customs. There is a strong focus on protecting intangible cultural heritage in a ‘scientific’ way so much emphasis has been placed on the role of institutions and experts' committees at both national and local levels.  Another approach, taken by France, has been to create inventories by bringing together existing lists of intangible heritage that were drawn up for different purposes and in different periods.  Not all countries where intangible heritage inventories are currently being compiled are States Parties to the Convention. Cultural mapping and inventorying projects are undertaken in all parts of the world for different reasons. In Canada, for example, the Government of Newfoundland and Labrador has included the inventorying, safeguarding and documentation of ICH as a key initiative in its Provincial Strategic Culture Plan. This example is discussed in greater detail below.  More information on these examples is provided in the links given in Hand-out 5.1.1 (Additional Resources). |

### Slide 16. NewFoundland and Labrador (Canada): inventory making as part of provincial policies for safeguarding ICH

Although Canada has not yet ratified the Intangible Heritage Convention, one of its provinces, Newfoundland and Labrador, has adopted far-reaching policies for the safeguarding of ICH. This includes a process of ICH inventorying, as has also been done in Québec, another Canadian province: <http://www.ethnologie.chaire.ulaval.ca/>.

The foundation for Newfoundland and Labrador’s ICH policies was laid down in a document called *Creative Newfoundland and Labrador: The Blueprint for Development and Investment in Culture* (2006). Many aspects of the ICH policies are in line with the Intangible Heritage Convention. They aim at safeguarding ICH in conjunction with the province’s various communities, many of which were heavily affected by the decline of fisheries and related industries. The policies aim not just at safeguarding ICH but also at reinforcing the sense of identity and pride of local communities and their social cohesion.

Guided by these policies, in 2006 an Intangible Heritage Forum was convened by the provincial Department of Tourism, Culture and Recreation (TC&R) in collaboration with the local Association of Heritage Industries. This umbrella organization, with members from civil society, local government and heritage institutions, took the lead in implementing the outcomes of the forum, one of which was a Provincial Strategic Culture Plan. An NGO, HFNL (the Heritage Foundation of Newfoundland and Labrador) - [http://www.heritagefoundation.ca](http://www.heritagefoundation.ca/)) was selected in 2008 to implement the province’s ICH Strategy. An ICH officer was seconded to HFNL to liaise with communities and individuals with an interest in developing safeguarding projects.

An ICH Advisory Committee (<http://www.mun.ca/ich/advisorycommittee/>) was established with 12 members representing the community, university, NGO’s, Department of Education, societies, museums and the Department of TC&R. It has three sub-committees: ‘Documentation and Inventory’, ‘Transmission and Celebration’ and ‘Training’.

The Newfoundland and Labrador inventorying process is a combined effort of HFNL, the lead organization, and the regional government, communities and educational institutions. The inventorying project is inspired by the Convention’s definition of ICH; it explains that ICH, or living heritage,

… encompasses many traditions, practices and customs. These include the stories we tell, the family events we celebrate, our community gatherings, the languages we speak, the songs we sing, knowledge of our natural spaces, our healing traditions, the foods we eat, our holidays, beliefs and cultural practices.

Old and new ICH practices and expressions are documented, in as many communities as possible, with an emphasis on endangered ICH. Community involvement is a central feature of the initiative. HFNL assists community members in developing documentation projects and in archiving and digitizing their own materials and collections; it also assists and encourages community-driven safeguarding projects.

A pilot inventorying project was launched in Autumn 2006, in the Battery, the port neighbourhood of St John’s, the capital of Newfoundland. The Queen Elizabeth II Library at Memorial University, the residents of the Battery, students from Memorial University and the ICH Working Group of HFNL were partners in the project. Eight students interviewed residents and collected personal stories, images and artefacts; they took photos and gave residents disposable cameras.

Memorial University’s Digital Archive Initiative (DAI) is the central repository for the enterprise, storing the data collected under the project (<http://collections.mun.ca/>). DAI supports participants in the digitization of the inventory data, and manages the long-term preservation of digitized content (image, audio, video, etc.) and regulates access to it. The HFNL ICH website offers an online interface between the inventory (on the DAI) and the public. The materials collected in the pilot project were digitized - more than 1000 entries were entered into the ICH inventory at DAI for this project alone.

By 2010, the inventory had in excess of 2000 entries. Each inventory item includes a wealth of information, including descriptive title, keywords, short description, information about who collected the data, where, when, and with whom, in which repository the data are held, and whether the data are available for download. Most inventory entries also feature recordings and text. The inventory is organized by community and by topic: see ‘Community Inventory’ (<http://www.mun.ca/ich/inventory/profiles.php>) and ‘Topic Inventory’ (<http://www.mun.ca/ich/inventory/ICHtopic.php>). Access to material of a sensitive nature is restricted.

HFNL is now populating the inventory in two ways. First, by documenting projects and events coordinated directly out of the ICH office at HFNL. Second, by partnering with community groups. The consent of the people concerned is a central consideration: nothing is added to the inventory without free and prior consent (for a consent form, see <http://www.mun.ca/ich/resources/>). Where the tradition bearer has already passed away, HFNL tries to ascertain consent in other ways, for example, through family members.

HFNL intends to continue populating the inventory in future by encouraging communities to document their own ICH. Inventorying skills will be covered in ICH community training programmes. The inventory will then increasingly focus on the ICH that the communities concerned themselves consider to be under threat. This aligns with a key objective of the new Provincial Cultural Strategy, which is to identify and safeguard ICH that is specifically under threat.

**Further information**

Gazette, Memorial University: [*http://www.mun.ca/gazette/past/issues/vol39no7/newspage18.php*](http://www.mun.ca/gazette/past/issues/vol39no7/newspage18.php)

Heritage Foundation Newfoundland (HFNL): *Intangible Cultural Heritage Strategy of Newfoundland and Labrador -* [*http://www.heritagefoundation.ca/media/1576/ichstrategy.pdf*](http://www.heritagefoundation.ca/media/1576/ichstrategy.pdf)

Heritage Foundation Newfoundland (HFNL): *ICH booklet -* [*http://www.mun.ca/ich/what\_is\_ich.pdf*](http://www.mun.ca/ich/what_is_ich.pdf)

Heritage Foundation of Newfoundland and Labrador:[*http://www.heritagefoundation.ca/ich.aspx*](http://www.heritagefoundation.ca/ich.aspx)

ICH project Planning Checklist*:* [*http://www.mun.ca/ich/resources/ICHProjectPlanningChecklist.pdf*](http://www.mun.ca/ich/resources/ICHProjectPlanningChecklist.pdf)

Jarvis, Dale: *Intangible Cultural Heritage blog* *-* [*http://doodledaddle.blogspot.com/*](http://doodledaddle.blogspot.com/)

Memorial University Digital Archive Initiative:[*http://collections.mun.ca/index.php*](http://collections.mun.ca/index.php)

### Slide 17. Uganda: A community-based inventorying project

In the Republic of Uganda, a Ugandan NGO is implementing a community-based inventorying process in cooperation with the Ministry of Gender, Labour and Social Development. This is a pilot initiative conducted under a broader UNESCO-initiated project in Botswana, Lesotho, Namibia, Swaziland, Uganda and Zambia. The project is called ‘Community Based Intangible Cultural Heritage Inventorying project in six Sub-Saharan African countries’ (2010 – 2011). The government of Flanders (Belgium) has supported the broader project financially.

The broader project began by holding a capacity-building meeting, organized by UNESCO, in Maseru, Lesotho, in February 2010. A staff member from UNESCO Head Quarters and two UNESCO regional experts led the meeting (<http://www.unesco.org/culture/ich/index.php?pg=00015&categ=2010>). Representatives from the six participating countries, and various others, attended the meeting. Follow-up inventorying exercises are now under way in these six countries. They are being implemented by national authorities and/or local organizations and supported by cultural officers from three UNESCO field offices (Harare, Nairobi, and Windhoek).

In Uganda, as in the other participating countries, the expected outcome of the project is an inventory of elements of the ICH of a specific community prepared with the full involvement of that community. The main aim of the overall project is, however, to strengthen capacities for inventorying and managing ICH in the beneficiary countries and communities. The project is designed to build the capacities of cultural officers and those working in ministries responsible for the implementation of the Intangible Heritage Convention to undertake inventorying in a sustainable manner, after the project has run its course.

In Uganda, after the Ministry had agreed to participate in the UNESCO project, it selected CEPAC (the Centre for Performing Arts and Culture) as the main agency to undertake the project in the country. CEPAC is an NGO active amongst the Busoga community in the area around Jinja. An expert from CEPAC was identified to attend the above-mentioned Lesotho meeting. A Project Management Committee was formed including representatives from the Ministry, the National Commission for UNESCO, CEPAC and UNESCO Nairobi Office. Most meetings of the Committee were held electronically because members were not located in the same city.

CEPAC spent two months carefully selecting 12 fieldworkers, with due consideration to age and gender balance, who expressed a strong interest in safeguarding their intangible heritage and had good communication skills. A week-long capacity-building workshop was held in Jinja in May 2010, led by one of the regional UNESCO trainers and the national expert from CEPAC. The workshop helped to train the fieldworkers for their participation in the seven-month project. The workshop included two days of fieldwork followed by writing up of the collected data in the form of inventory entries. The Ugandan pilot was also launched in the capital city, Kampala, in order to inform relevant ministries and broader stakeholders in the field of culture about the scope and the aim of the project.

The fieldwork lasted from June to December 2010. The fieldworkers were divided into three groups, all of which studied the same element for a particular period in different villages. Data were collected using cameras and handheld sound recorders purchased by the project. The national expert from CEPAC discussed the progress of the project with the field workers as the work progressed, and assisted them in finding solutions for problems identified.

The Busoga communitywas involved from the beginning of the project: community members were made aware of the project at its inception through radio programmes and by word of mouth. Fieldworkers were selected from the Busoga community, and they asked community members to identify ICH elements with which to work. Through this process, a number of ICH elements were selected. Community members provided information about the elements being inventoried.

The Ugandan component of the project followed the definitions and domains of ICH and safeguarding given in UNESCO’s Intangible Heritage Convention. Participants in the initial Ugandan training workshop made the point, however, that the local traditional judicial system did not fit well into any one of the domains mentioned in the Convention and they therefore wished to classify it as a separate domain of ICH in their own community. ICH elements studied in the Ugandan pilot have included (i) the practice and skills of food preservation, (ii) the last rites, (iii) creation myths, (iv) child naming, (v) traditional dances, (vi) drum making, (vii) the introduction ceremony, (viii) ceremonies related to twins, and (ix) traditional religious practices. To date (Dec 2010), over 15 elements have been studied through this project.

The fieldwork teams used semi-structured questionnaires to guide them through the interviews, asking additional questions where relevant. The national expert from CEPAC developed the questionnaires in collaboration with the fieldworkers. Different questionnaires were developed for each of the elements studied, in both English and in Lusoga, the local language. As the work progressed the fieldwork data were transferred onto inventory forms and transcribed into English, led by CEPAC. The draft inventory, together with updates of the progress of the project, was regularly shared with the Project Management Committee.

The questionnaires consisted of two sections.

Section A focuses on meta-data, such as information on the interviewees (name, age, sex, religion, residence, tribe and clan) and on the interviewer (name, age, place and date of data gathering). It also establishes how consentwas sought for the interview as well as for recording.

Section B contains a broad range of questions on the element concerned such as description, origins of the practice, associated tangible elements, ways of transmission, details of community participation, values or beliefs attached to the practice, threats to the practice and transmission of the element. Section B also asks fieldworkers to establish whether the respondent was happy to have this information shared in the community and if the respondent could refer the team to others who might have further information about the element.

The fieldwork teams did not encounter major difficulties and met with enthusiastic cooperation almost everywhere. In a few cases, informants requested money in exchange for information. The fieldworkers were trained to explain that the project was not a money-making venture and did not foresee ‘buying’ information. If this explanation was not accepted, other informants were asked for information instead. Having completed the fieldwork at the end of December 2010, the project management committee will organize a final workshop in Jinja in early 2011 to evaluate the result of the Ugandan component of the project and to discuss how best to continue the inventorying exercise at the national level. Some of the topics to be discussed include how to store the information – especially data that are of a confidential nature – and how best to make it accessible to the general public.

**Further information**

UNESCO - <http://www.unesco-nairobi.org/index.php?option=com_content&view=article&id=118:intangible-cultural-heritage-uganda&catid=99:uganda&Itemid=144>

UNESCO Project Reports (Nairobi Field Office)

### Slide 18. Brazil inventories the ICH present in its territory

#### Policy framework

Brazil ratified the Intangible Heritage Convention in March 2006. Brazil’s heritage policies date back to the 1930s, however. In 1937, for instance, the direct predecessor of IPHAN, Brazil’s well-known Institute of National, Historical and Artistic Heritage, was created, making it the oldest cultural heritage institution in Latin America. Initially Brazil’s heritage policies concentrated on tangible heritage associated with its history of Portuguese colonization. By the 1970s, however, inventorying and documentation activities carried out by many different organizations and experts had highlighted elements of the intangible heritage of all groups living in Brazil. The importance of this heritage had been recognized by the State as early as 1958 through the creation of the Campaign for Safeguarding Brazilian Folklore, linked to the Ministry of Education and Culture. This recognition was formalized in 1976 through the establishment of the National Institute of Folklore. The Constitution of 1988 stated that the Brazilian cultural heritage consists of both tangible and intangible heritage, including creative activities, practices and ways of life of all the groups that form Brazilian society.

There was no specific legislation focusing on the safeguarding of ICH at this stage. In 1997, an International Seminar on ’Intangible Heritage: strategies and forms of protection’ recommended that Brazil develop ICH-related legislation and conduct ICH inventorying at the national level. In August 2000 Presidential Decrees established the Registry of Intangible Cultural Assets and the National Programme for Intangible Heritage. IPHAN also developed, at this time, an inventorying methodology for the identification of intangible cultural heritage aimed at safeguarding to be used in compiling the National Inventory of Cultural References. IPHAN, which had already been inventorying and conserving heritage places and objects, was tasked with the supervision and coordination of national activities for safeguarding the intangible heritage. Funding was provided for these initiatives, aimed at preserving the country’s ethnic and cultural diversity.

#### Layered inventorying

Inventorying ICH in Brazil takes place on three levels, with the lower levels feeding the higher ones. There is a plethora of inventories at the local level and the level of the States that make up Brazil (the Brazilian federation is composed of 27 States); there is a restricted National Inventory and a much more restricted Registry. IPHAN is the main player in most of the processes involved.

These systems were developed well before the Intangible Heritage Convention entered into force in 2003; nevertheless, because Brazil was actively involved in the preparation of the text of the Convention, the consensus that was forming at the time in Paris could be taken into account. That is why inventorying activities in Brazil have as a primary objective an analysis of the viability of the ICH elements concerned and – whenever necessary and feasible - their safeguarding. ICH safeguarding is designed to contribute to social inclusion and the improvement of living conditions for the tradition bearers. The Brazilian system follows the definition of ICH as presented in the Intangible Heritage Convention and pays a great deal of attention to the involvement and consent of people involved in the practice and transmission of the elements that are to be inventoried and/or safeguarded.

#### IPHAN

IPHAN, which has field offices all over Brazil, has its headquarters in the capital, Brasilia, and its main archives in Rio de Janeiro. Between 2000 and 2004, IPHAN developed and tested methodologies for the National Inventory and prepared two trial entries for the Registry. IPHAN trains local experts who are identified through universities and other research networks for carrying out fieldwork with communities of tradition bearers.

In late 2003 the Centro Nacional de Folclore e Cultura Popular, CNFCP (formerly the National Institute of Folklore), a governmental institution with large collections and a huge website, was incorporated into IPHAN. In 2004 a special Department of Intangible Heritage - DPI - was established within IPHAN. In May 2009, DPI was divided into two units, one for identification and registration, and one for safeguarding.

#### The National Inventory

A major objective of the National Inventory is to produce knowledge to underpin safeguarding policies. It is an important tool for the preservation of the country’s ethnic and cultural diversity through the identification, documentation and dissemination of information about cultural resources. The production of inventory entries and documentation for the National Inventory, as well as the development of safeguarding plans, is conducted either directly by IPHAN (through its DPI) or outsourced through public bidding processes, using budget resources from the National Cultural Fund.

The inventorying process is coordinated at a national level by DPI, and is mainly executed by IPHAN’s regional offices, State preservation institutions, NGOs and other private institutions. The inventorying process starts with the preliminary collection of information (survey), continues with identification and documentation, and concludes with interpretation. State superintendents are responsible for coordination, planning, management and implementation of ICH-related activities at the State level, as well as for technical and administrative supervision of field offices. Like the inventorying process, these other ICH-related activities are coordinated at a national level by IPHAN.

The National Inventory collates information about ICH elements and other forms of cultural heritage (‘cultural references’) in local communities. There is a special focus on cultural heritage at risk. The inventories carried out by IPHAN, or with IPHAN’s support, emphasize ICH elements of indigenous people and Afro‐Brazilians, while also taking into account ICH of citizens of European descent and of people living in multicultural urban contexts. The ICH of immigrant and expatriate groups is duly taken into consideration. In the city of Sao Paulo, for instance, ICH elements from sizeable Korean, Jewish or Italian minority communities are inventoried. Brazilian inventorying activities extend to cooperation with neighbouring States where elements are identified as multinational. Brazil has collaborated with Colombia, for example, on inventorying the ICH of an indigenous community living on both sides of their common Amazonian border. Brazil is also leading a regional inventorying project aimed at M'Byá Guarani communities, with the support and supervision of the Regional Center for the Safeguarding of Latin America's Intangible Cultural Heritage – (CRESPIAL), and the assistance of Argentina, Paraguay, Uruguay and Bolivia.

The National Inventory organizes entries into in five categories: ‘Celebrations’, ‘Forms of Expression’, ‘Craftsmanship and Traditional Knowledge’, ‘Places’ (places where one can find social practices rooted in the daily life of communities) and ‘Buildings’ (buildings that have no outstanding architectural or artistic values but are important as cultural assets for the communities). The inventory entries themselves include, where applicable, photos, videos, documents and audio. The information can be presented in a flexible way, either focusing on small areas or on larger areas such as districts, urban sites, contiguous regions and protected national parks where some communities still live.

So far, about 1000 ICH elements have been (or are being) inventoried in the national inventory. IPHAN’s online database provides detailed information about the methodology used in compiling the inventory:

* [http://www3.iphan.gov.br:8080/interfacePublicaInrc/paginas/principal/principaHYPERLINK "http://www3.iphan.gov.br:8080/interfacePublica/paginas/principal/principa.seam"lHYPERLINK "http://www3.iphan.gov.br:8080/interfacePublica/paginas/principal/principa.seam".seam](http://www3.iphan.gov.br:8080/interfacePublica/paginas/principal/principa.seam)
* [www.iphan.gov.br](http://www.iphan.gov.br/)

#### The Registry of Intangible Cultural Assets

While the National Inventory process aims at the identification and documentation of Brazilian ICH in general, the Registry of Intangible Cultural Assets provides a mechanism for legal registration, based on more detailed documentation of selected ICH elements. Any ICH element inscribed on the Registry is legally recognized as Brazilian Cultural Heritage, which obliges the federal government to develop and finance a safeguarding plan for it. Between 2002 and the end of 2010, 22 elements were inscribed in the Registry.

The website presenting these ‘Bens culturais registrados’: <http://www.iphan.gov.br/bcrE/pages/indexE.jsf>

The Registry and the National Inventory have similar procedures to document ICH elements. The two Brazilian elements that have been inscribed on the Lists of the Intangible Heritage Convention also figure in the Registry. All the nominations that Brazil sends to the Lists of the Convention are recognized nationally as Brazilian Cultural Heritage. Depending on the context the National Inventory can be used to assist a Registry process, but this is not a requirement.

The ICH elements in the Registry are documented and publicized in such a way that the collective and individual rights linked to that heritage are taken into account. Communities concerned, who have to give their explicit consent for the preparation of a Registry entry (which they do not always give) can receive support for safeguarding this ICH, such as:

* Financial support for the transmission of knowledge and skills;
* Management support focused on traditional knowledge;
* Capacity building in the community; and
* Support in finding new markets for certain products.

The National Programme for Intangible Heritage has already made safeguarding plans for over half of the elements in the Registry, including:

* Kusiwa Art – Body painting and graphic art of the Wajãpi;
* Samba de Roda do Recôncavo of Bahia;
* Production of the viola-de-cocho.

Considering the dynamic nature of ICH, the Registry must be revised at least once every ten years. A group of experts from the Brazilian Cultural Heritage Council and technicians of the Registry Coordination of the Department of Intangible Heritage at IPHAN are developing criteria for the first two reviews which have to be finished by 2012. The elements to be reviewed are the ‘Kusiwa Art – Body painting and graphic art of the Wajãpi’ and the ‘Craft of the clay pots of the woman from Goiabeiras’. Both elements are recognized as Brazilian Cultural Heritage since 2002 and 2001, respectively.

#### Community participation

Inventorying processes are carried out together with the communities and groups concerned. They are involved in the process from the very beginning, establishing priorities together with the inventorying authorities and given access to all information collected about their ICH. They always participate in the identification and inventorying of their ICH, but may also be responsible for compiling the inventory itself. The inventory process helps all the social actors involved to develop an understanding of issues and tasks each should perform in safeguarding the heritage.

Prior and informed consent is obtained from the communities concerned for identification, recording and safeguarding activities, using the ‘Form for the declaration of acceptance for the start of the inventory program’.

Safeguarding actions are designed to benefit the communities and groups involved. Publications, for example, are broadly distributed to the communities and to educational and research institutions involved and sold at production cost to the general public. Indigenous communities have special rights by virtue of the 1988 Constitution and other legislation, which means that the documentation of their ICH is regulated not only by copyright law, but also by FUNAI, the National Foundation for the Indian.

Groups and communities concerned have full access to the information generated during the inventorying process. Soon IPHAN’s ICH inventory database will be online. This system will be the main tool for dissemination of information collected by IPHAN and collaborating agencies. In order to protect the intellectual property rights of the communities concerned and also in order to respect their restrictions on access to certain information, public access to this database will be regulated. The Registry and National Inventory do not give the communities concerned any new intellectual property rights over their ICH (neither does inscription on the Lists of the Convention), but ’the ensuing documents may serve as a proof of the right to claim’ such rights in other contexts (Londres Fonseca 2004: 186).

Thanks to Marcia Sant'Anna and Ana Gita de Oliveira of IPHAN for their assistance in compiling this case study.

#### Resources

WIPO, Documenting and Disseminating Traditional Knowledge and Cultural Expressions in Brazil – Vol. I – Survey Page 56: <http://www.wipo.int/export/sites/www/tk/en/culturalheritage/casestudies/arantes_report_vol1.pdf>

Amazon Conservation Team – ACT Brazil (2008), Methodology of Collaborative Cultural Mapping.

Labate, Beatriz Caiuby et al. (2009), Ayahuasca – From Dangerous Drug to National Heritage: An Interview with Antonio A. Arantes, International Journal of Transpersonal Studies.

Londres Fonseca, Cecilia (2006), Safeguarding ICH in Brazil: The Registry as an appropriate form of safeguarding, International Conference on the Safeguarding of the Tangible and Intangible Cultural Heritage: Towards an Integrated Approach (Nara, Japan, 20 – 23 October 2004), UNESCO.

The Registry of Intangible Heritage: the Brazilian experience, Museum International Vol. 56, No. 1–2, 2004).

Ministry of Culture, Institute for the National Historical and Artistic Heritage (2002) Registry of the Intangible Heritage, Final Dossier of the activities of the Working Group on the Intangible Heritage, Brasilia, January 2002.

[www.HYPERLINK "http://www.iphan.gov.br/"iphanHYPERLINK "http://www.iphan.gov.br/".gov.br](http://www.iphan.gov.br/)

**Slide 19. Indonesia – a national inventory**

In 2009 the Indonesian Department of Culture and Tourism began preparing a comprehensive inventory of the intangible heritage of Indonesia: the National Intangible Cultural Heritage Inventory (ICHI). The Director of the Office for the Preservation of History and Cultural Values manages the project. It is expected that the inventory will contribute to the safeguarding of Indonesia’s ICH, will enhance the sense of identity of communities in Indonesia and that it may promote the sustainable development of these communities. The inventorying process plans to benefit government (providing data management, planning, safeguarding ICH and reporting), academics (enhancing research and teaching for awareness raising and safeguarding), the business sector (contributing to creative product development) and the general public (raising awareness, enhancing identity and contributing to development.

The Indonesian Department of Culture and Tourism had already implemented several programmes and projects for ICH inventorying and safeguarding, including a cultural mapping project. Work on the Map of Indonesian Culture project began in 2003 but was delayed for various reasons in the mid 1990s. In this project, a database of the intangible cultural heritage of Indonesia was to be accessed by clicking on an online map of the country. While the technical infrastructure of the project was completed, sufficient data were not collected for it to be realized before 2009. The mapping project showed that it would be expensive to inventory the ICH in Indonesia due to the large number of communities and the wide variety of ICH elements in the archipelago. Therefore the process was designed in such a way as to use existing government staff in Indonesia’s 33 provinces, including researchers, writers, audio/visual specialists and computer operators. Plans were also made to maximize the involvement of experts, communities and the general public in creating and updating the inventory.

The mapping project was used as the basis for planning the National Intangible Cultural Heritage Inventory (ICHI) in 2009. Inventorying training was provided to government staff members and other stakeholders through a number of capacity-building workshops; this training will be on going. An Inventory Making Symposium and Workshop was held in Jakarta, Indonesia, on 19-20 August 2009. The event was co-organized by the Ministry of Culture and Tourism and by UNESCO’s Jakarta Office. It was attended by 35 national officials, national experts from China, Korea and Japan as well as NGOs and community members. It reviewed inventorying processes in China, Japan and Korea. It also introduced the new data management system developed for the inventory process by the Ministry of Culture and Tourism. Other smaller capacity-building events informed community members and government employees about the inventorying process and procedures.

In September 2009 the Ministry of Culture and Tourism released a ‘practical handbook for the Inventory of the Intangible Cultural Heritage of Indonesia’.[[6]](#footnote-6) This handbook was prepared in close cooperation with the UNESCO Office in Jakarta to inform various role-players about the 2003 Convention and the planned process of inventory making.

The definition and domains of ICH to be used in the national inventory follow those provided in Article 2 of the Intangible Heritage Convention. The inventory will incorporate many smaller ICH-related collections that already exist in Indonesia in the form of local inventories, monographs and encyclopaedias, in public and private collections. Government offices in all regions were asked to collect and compile these resources, then analyze and integrate them into the new inventory system.

A questionnaire or ‘inventory form’ is provided in the handbook to aid the process of integrating old data or collecting new data. These questions form the basis for the data entry fields included in the database (17 in all). The inventory form asks for several categories of information for each element, including:

* A history of the element;
* Name of the community involved;
* Names and ages of persons having knowledge and skill regarding the element;
* The category(ies) of ICH under which the element falls;
* Description of the element as currently practised;
* Current efforts to safeguard the element;
* Possible safeguarding methods according to the tradition bearers; and
* Proof of consent from the respondent.

A code of ethics governs the data collection. This code includes the following provisions:

* Not uploading cultural elements which contravene existing regulations and laws of the Republic of Indonesia.
* Respecting customs regulating access to certain parts of ICH, especially sacred and secret knowledge and skill.

Data collected through these forms is entered into a central database housed at the Office of the Ministry of Culture in Jakarta. The database includes research results and audio-visual presentations. The database of the national inventory (ICHI) will accommodate entries from all regions but local ICHI Units (ICHIU) will be established in regencies[[7]](#footnote-7) and cities across Indonesia. Local experts who receive training from the government will manage these units, assisted by local government offices in each area. Experts who are in charge of the National ICHI will review each entry according to their field of expertise, and refer some entries to the ICHIUs to be improved. Before the database becomes public, a team of experts will verify all the data. This group is able to access the database remotely to make any changes to the data.

Once verified, the inventory will be accessible to all on a public website, but access to sensitive material (i.e. material that communities consider to be secret or sacred) will be restricted. Four different categories of database users are catered for: UNESCO, Government, Researchers and the Public (business and society). Communities whose ICH is inventoried, and the general public, will be called upon to update and add elements to the database via the Internet.

**Further information:**

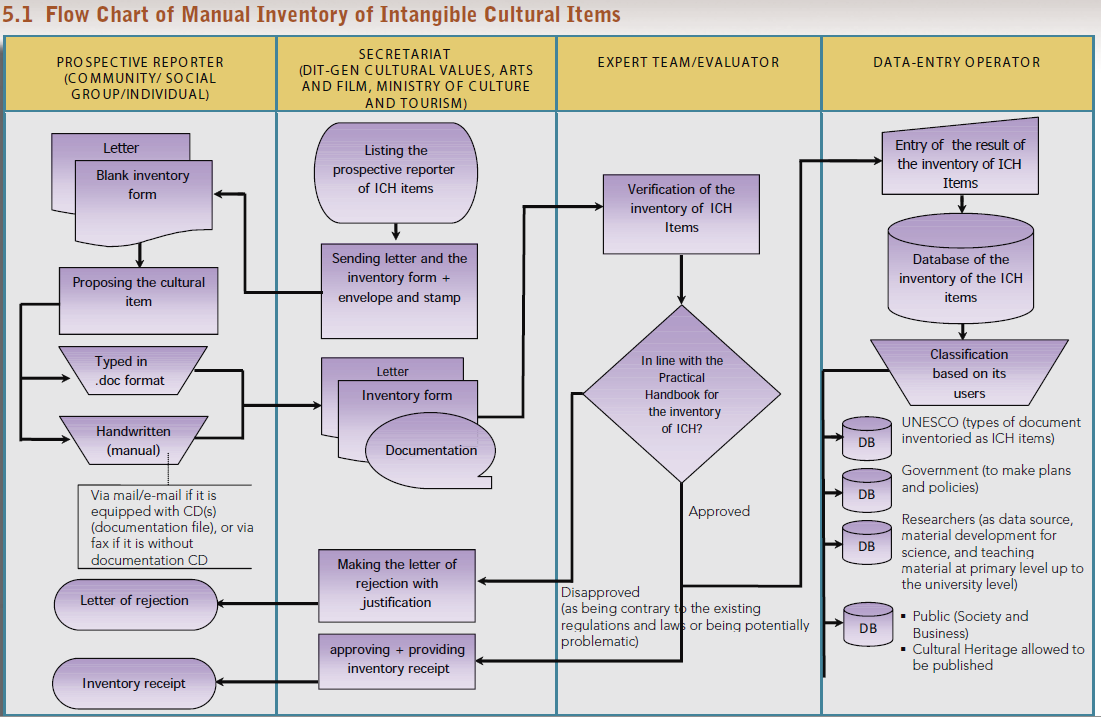
Hastanto, Sri (2008) ‘Map of Indonesian Culture as Intangible Cultural Heritage Inventory (ICHI) of Indonesia’, Society for Ethnomusicology Annual Meeting, Wesleyan University Music Department, October 25-28, 2008. <http://sem2008.blogs.wesleyan.edu/files/2008/10/srihastantopaper.pdf>

Mancacaritadipura, Gaura (2006) ‘Safeguarding the Intangible Cultural Heritage of Indonesia: Systems, Schemes, Activities and Problem’, Presentation at the 30th International Symposium on the Conservation and Restoration of Cultural Property, Safeguarding of Intangible Cultural Heritage: International Cooperation and the Role of Japan, National Research Institute for Cultural Properties, Tokyo. <http://www.tobunken.go.jp/~geino/pdf/e/ISSICH/eIS2010Indonesia.pdf>

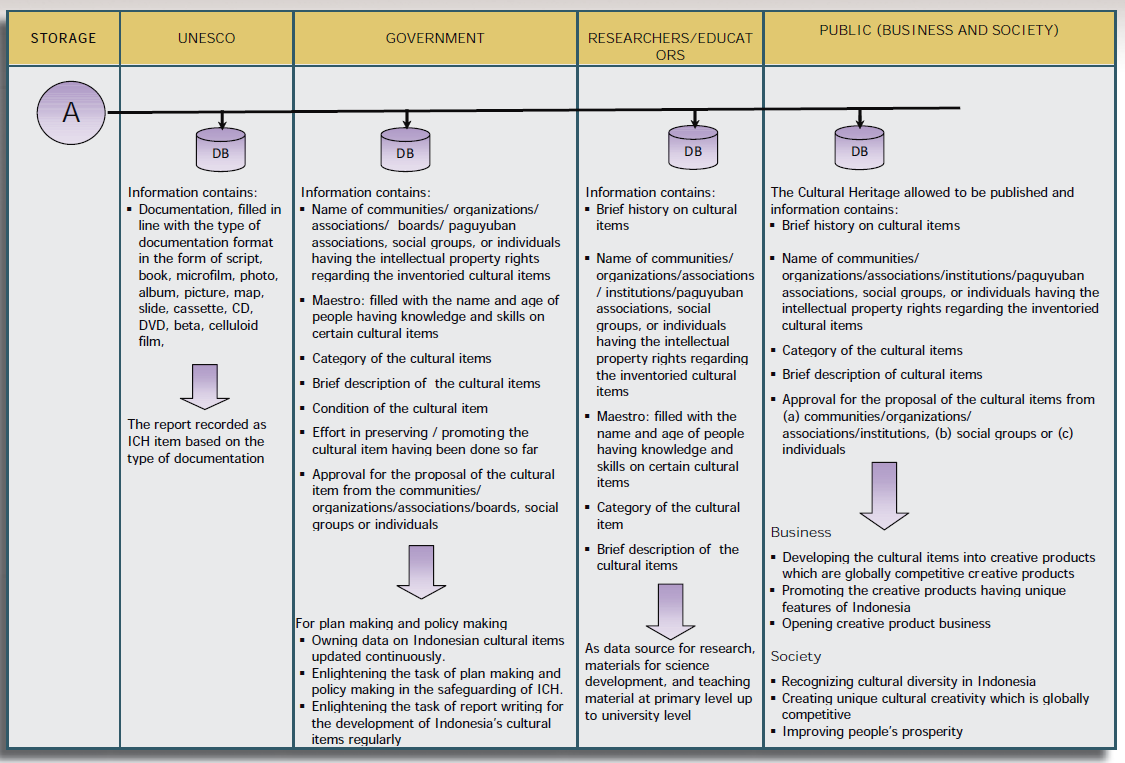
Raswaty, Retno (2009) ‘Safeguarding the Intangible Cultural Heritage of Indonesia: Systems, Schemes, Activities and Problem’, Country Report: Intangible Cultural Heritage Safeguarding Activities in Asia and the Pacific, Intangible Cultural Heritage Centre for Asia and the Pacific, <http://www.ichcap.org/en/publications/publicationView.jsp?idx=9&pages=1&bbs_name=BOARD_PUB_ENG&pub_type=A>

Ministry of Culture and Tourism in collaboration with UNESCO office, Jakarta (2009) Practical Handbook for Inventory of Intangible Cultural Heritage of Indonesia.

**Flowcharts from the Practical handbook for the Inventory of the Intangible Cultural Heritage of Indonesia (2009), pp.30 and 32.**



**Categories of people using the database for different purposes**



### Slide 20. A community-driven inventory: Estonia - The Hiiumaa Island inventory

#### Background

Following Estonia’s ratification of the Intangible Heritage Convention in 2006, the governmental body designated to oversee the implementation of the Convention at the national level was the Estonian Folk Culture Development and Training Centre. This organization, based in the capital city of Tallinn, participates in the development of cultural policies, contributes to the survival and evolution of Estonian folk culture and the appreciation of intangible heritage, and carries out professional training courses for adults.

A Chamber of Intangible Heritage was established at the Centre in 2008 to coordinate ICH-related activities in Estonia: one of its main roles is to decide on the format and content of, and then maintain, the Register of Intangible Cultural Heritage - the national inventory. The Chamber of Intangible Heritage is governed by a Board consisting of national and regional representatives from government, academia and heritage institutions.

Even before the Chamber was established, the Estonian Commission for UNESCO, the Ministry of Culture and the Estonian Folk Culture Development and Training Centre held several meetings to discuss the Convention and its implementation. Approximately thirty representatives from different cultural offices, NGOs, cultural (museums, archives) and educational institutions attended the first meeting. A working group formed in the first meeting was tasked to take forward the development of ICH inventories in Estonia; once the Chamber of Intangible Heritage was established, it took over this task.

One of the issues discussed at the preliminary meetings was the requirement for States Parties to draw up inventories of the ICH present in their territory. It was decided to use the definition of intangible heritage in Article 2 of the Convention. A strong emphasis was placed on adapting various inventorying models to local circumstances, as provided for in the Convention.

The rationale for inventory-making in Estonia was defined as follows:

* Affirmation of community identities and self-respect by acknowledging their heritage at both regional and national level;
* Enhancement of cultural networks within and between communities and practitioners; and
* Boosting local communities, both economically and socially, by safeguarding of their ICH.

It was agreed that no single inventory model would be elaborated for Estonia at the national level – regional differentiation would be encouraged and lessons would be learned from a pilot project on Hiiumaa Island, which was to be community-driven.

#### The pilot project on Hiiumaa Island

Hiiumaa Island is part of the western Estonian archipelago with an area of 1000 km2 and a population of approximately 10,000 in 183 villages. The working group decided on Hiiumaa Island as the location for the pilot project for several reasons. The museums on the island were already working on a number of heritage projects, both tangible and intangible. Cultural activists on the island had already demonstrated their interest in and ability to undertake the inventorying project; and crucially, the island was small with a strong sense of community.

The working group discussed the methodology to be adopted in the pilot inventorying project. After some discussion the Hiiumaa inventorying team were given considerable leeway in deciding on matters of process and content. However, the Chamber of Intangible Heritage decided the format of the final inventory.

The Hiiumaa Island ICH inventory inspired broader safeguarding and awareness-raising initiatives. Meetings and school presentations were used to generate awareness about the project. As awareness grew, community groups and NGOs on the island applied for further support and funding for ICH projects (the pilot inventorying project was not very well funded). Projects were designed in which tradition bearers could teach the younger population handicraft skills, for example, and other projects collected information for the inventory.

#### Compiling the inventory

A team of three local cultural workers coordinated the Hiiumaa Island inventorying project, which began in 2007 and drew partly on prior ethnographic work. They included a cultural practitioner, a cultural representative of the municipal government and the Head of collections of Hiiumaa Museum, an ethnographer. Community members, community organizations and NGOs supported the inventorying work. In one project, community members collected information on embroidery skills, children learned some of the skills and some embroidery was presented to the local museum; an exhibition of local embroidery was held. Community members were trained in data collection for this project.

The Hiiumaa community was defined geographically, by the boundaries of the island, where there has been relatively little immigration in recent years. There is some regional cultural differentiation on the island, which was picked up in the inventorying process. The inventorying team was mainly interested in the practices that have characterised the island for many generations, rather than practices held in common with the rest of Estonia. They did not collect data on dance forms because these had already been inventoried elsewhere.

During the inventorying process questions arose as to who was the audience for the final product. Was it only the people of Hiiumaa? Was it the general Estonian population? Or was it an international audience? It was decided that the audience for the inventory would be the general Estonian population, and this meant that information well known to Hiiumaa people sometimes had to be explained to a broader audience.

The inventorying team divided the inventorying work on the island into four areas, based on the historical division of the island into four districts. Different members of the team performed different functions. In each district, with the help of local people, the team started identifying cultural practices and practitioners through semi-structured interviews and questionnaires. The team asked general questions about life in the community and what community members felt was important about living on the island. The team distributed questionnaires and travelled to all the municipalities to meet local government representatives and pensioners in the search for tradition bearers. The inventorying team worked with community members to fill in the questionnaires and develop preliminary lists of ICH. Then the inventorying team sought specific information about ICH practices.

While the team initially planned to include and describe only a few ICH elements, it was later decided that a comprehensive approach to the documentation of cultural practice was more suited to show how ICH elements had changed over time and were currently being practised. The inventorying team experimented with different ways of defining elements, both broad (e.g. woodworking skills) and narrow (e.g. making specific kinds of rocking chairs).

Once the data collection process had progressed far enough, data were selected and refined for entry into the inventory. The team are now continuing with the inventorying work and are seeking to expand the inventory. The Chamber of Intangible Heritage took care of the technical side of the inventory process, designing the online inventory, hosting the website and enabling public access.

There are currently 24 elements in the online inventory (<http://www.rahvakultuur.ee/vkpnimistu/>). The online inventory provides the visitor with the option to search the inventory by category or keyword. The categories on the online inventory include Settlement, way of life; Resource management; Fisheries; Food and nutrition; Handicraft; Language and folklore; Customs and religion; and Social practices. Inventory entries contain a description with historical background; information about practitioners; the viability of the element and potential risks if any, as well as photos, audio, video and other documentary evidence. Formal consents for inclusion in the inventory, provided by the tradition-bearers concerned, are included for all elements. The inventory includes local dialect terms for elements. It also includes both living practices and those that reportedly have ceased to be practised, as certain elements that appear defunct often experience resurgence later.

#### Challenges faced

The inventorying process faced several challenges.

The inventorying project received funding from the national government that covered some of the audio-visual documentation, transport and compilation costs for the inventory project. This funding amounted to less than 3,000 Euros over the period 2007-2010. Further funding was raised for other projects relating to intangible heritage on the island, but these additional projects did not amount to much more than another 7,000 Euros in all, and some of these projects did not contribute much information to the inventory itself but were more focused on awareness raising or transmission. It will be difficult to make consistent progress on the inventorying project without sustained, on-going funding to reduce dependence on volunteer time and project-based funds.

There was confusion at various times between the local inventorying team and the national coordinating body (the working group and later the Chamber) about what kind of information should be collected and how it should be organized. The format of the online inventory was not yet established when data collection began, so there was confusion about the kind of audio-visual materials that should be collected (e.g. length of video clips), and the amount of other data that would be required (e.g. how much historical data was needed) for the final inventory. As the design of the website progressed, the inventorying team realized that they would have to collect some different or additional pieces of information.

Consent had not been acquired for information collected prior to this inventorying project to be made publicly available as part of the online inventory. Thus, various individuals and their families had to be contacted to ask whether consent can be given for the data to be used in the public online inventory.

Thanks to Helgi Põllo and Kristin Kuutma for their assistance in compiling this case study.

**Further information**

Estonian Intangible Heritage List - <http://www.rahvakultuur.ee/vkpnimistu/>

Kuutma, Kristin (2007), ‘Making Inventories: a Constraint or an Asset?’ Regional Seminar ‘Principles and Experiences of Drawing up ICH inventories in Europe, 14-15 May 2007, Tallinn, Estonia.

Seminar on the Principles and Experiences of Drawing Up Intangible Cultural Heritage Inventories in Europe, 14–15 May, 2007, Tallinn, Estonia.

# IMP 5.6 Hand-out: About Inventorying Intangible Heritage

Each State Party is required by the Intangible Heritage Convention (see Article 12) to draw up one or more inventories of the ICH present in its territory *in a manner geared to its own situation*; this leaves considerable leeway. However, the Convention and the ODs are clear that inventories:

* Should present elements that were defined and identified with the participation of the communities and groups, and of relevant NGOs (see Article 11(b));
* Should be prepared with the widest possible participation of communities, groups and individuals concerned (Article 15, OD 80);
* Should be designed in such a way that they may contribute to safeguarding (‘to ensure identification with a view to safeguarding’, Article 12.1);
* Should make an effort to cover the ICH present in the territory of the State Party concerned (‘one or more inventories of the ICH present in its territory’, Article 12.1);
* Should be regularly updated (Article 12.2) and therefore should be developed in such a way that that can be done easily; OD 153(a) indicates that the six-yearly reports States Parties have to submit to the Committee in accordance with Article 28, should provide information about the ‘drawing up of inventories as described in Articles 11 and 12 of the Convention’; and
* Should not violate customary practices concerning access to the ICH, and any associated places, persons and materials (Article 13(d)(ii)); and should not include information on an element without the consent of the community, group or individual concerned.

Inventorying may be an important step towards safeguarding and in some cases it leads towards nomination to the Lists of the Convention as only ICH elements that already figure in an inventory of the State Party concerned may be nominated. Inventories drawn up by States Parties do not have to use the same definition of ICH as the Convention. However, any elements later nominated to one of the Convention’s lists will have to comply with that definition and the other inscription criteria laid down in the Operational Directives of the Convention (OD 1-2).

Inventorying will be an on-going process in most States, both because of the large number of ICH elements requiring inventorying in all regions of the world and because of the necessity to regularly update inventories.

Inventorying is not a simple listing of intangible heritage elements, although the information provided in an inventory may be quite limited. It is a process that raises awareness, identifies elements with impaired viability and that may lead to safeguarding. It can also be used to establish relationships between various stakeholders who may be involved in later safeguarding efforts. Inventorying may boost the sense of identity and continuity of the communities concerned and will certainly create greater awareness about ICH both within and outside of these communities.

Various questions will have to be considered about how inventorying will be organized and managed in a specific country (some of these questions are not easily answered!):

* Will there be one or more than one inventory?
* If more than one inventory is envisaged, what will be the relationship between the different inventories?
* How will inventories be set up – by administrative entity, by community, by domain, or according to other criteria? If there is more than one inventory, will they be set up along similar lines, or not?
* Will the exercise have other purposes in addition to those indicated in the Intangible Heritage Convention?
* How will the inventorying exercise and its later updating be financed?
* Who will develop the questionnaire, or questionnaires for the inventories? (a model for such a questionnaire is presented below)
* What information will be collected on the elements?
* What definition of ICH will be used?
* What system of domains or categories will be used?
* Who will collect the information?
* How will relevant communities and/or groups be identified?
* How will relevant communities be informed about and involved in the data collection?
* How will relevant non-governmental organizations and institutions be involved in the exercise, if at all?
* Who will control the input of data onto the inventory/inventories?
* Who will control access to the data collected?
* How will sensitive data be managed to ensure respect for customary restrictions on access?
* How will elements that are shared by more than one community be dealt with?
* How will elements that also are found outside the country be dealt with?
* How will inventories be published or disseminated?
* How will updating be organized?

### Model questionnaire for identifying ICH elements, in view of the elaboration of one or more inventories.[[8]](#footnote-8)

|  |
| --- |
| Identification of the ICH element |
| 1.1. Name of the ICH element, as used by the community concerned |
|  |
| 1.2. Short, informative title of the ICH element (including indication of the ICH domain(s) concerned) |
|  |
| 1.3. Community(ies) concerned **(see comment below)** |
|  |
| 1.4. Physical location(s)/distribution frequency of enactment of the ICH element **(see comment below)** |
|  |
| 1.5 Short description of the ICH element (preferably no more than 200 words) |
|  |
| 2. Characteristics of the ICH element |
| 2.1. Practitioners(s)/performer(s) directly involved in the enactment or practice of the ICH element (include name, age, gender, professional category, etc.) |
|  |
| 2.2. Other people in the community who are less directly involved, but who contribute to the practice of the ICH element or facilitate its practice or transmission (e.g. preparing stages, costumes, training, supervising) |
|  |
| 2.3. Language(s) or language register(s) involved |
|  |
| 2.4. Tangible elements (such as instruments, specific clothing or space(s), ritual objects) (if any) associated with the enactment or transmission of the ICH element |
|  |
| 2.5. Other intangible elements (if any) associated with the enactment or transmission of the ICH element |
|  |
| 2.6. Customary practices (if any) governing access to the ICH element or to aspects of it **(see comment below)** |
|  |
| 2.7. Modes of transmission to others in the community |
|  |
| 2.8. Relevant organizations (community organizations, NGOs, others) (if any) |
|  |
| 3. State of the ICH element: viability (see comment below) |
| 3.1. Threats (if any) to the continued enactment of the ICH element within the relevant community/ies |
|  |
| 3.2. Threats (if any) to the continued transmission of the ICH element within the relevant community/ies |
|  |
| 3.3. Threats to the sustainability of access to tangible elements and resources (if any) associated with the ICH element |
|  |
| 3.4. Viability of other intangible heritage elements (if any) associated with the ICH element |
|  |
| 3.5. Safeguarding or other measures in place (if any) to address any of these threats and encourage future enactment and transmission of the ICH element |
|  |
| 4. Data restrictions and permissions |
| 4.1. Consent from and involvement of the community/ies concerned in data gathering |
|  |
| 4.2. Restrictions, if any, on the use of or access to collected data |
|  |
| 4.3. Resource person(s): name and status or affiliation |
|  |
| 4.4. Date(s) and place(s) of data gathering |
|  |
| 5. References concerning the ICH element (if any) (see comment below) |
| 5.1. Literature (if any) |
|  |
| 5.2. Audio-visual materials, recordings etc. in archives, museums and private collections (if any) |
|  |
| 5.3. Documentary material and objects in archives, museums and private collections (if any) |
|  |
| 6. Inventorying data |
| 6.1. Person(s) who compiled the inventory entry |
|  |
| 6.2. Proof of consent of the community/ies concerned for (a) inventorying the element and (b) for the information to be provided in the inventory |
|  |
| 6.3. Date of entering the data into the inventory |
|  |

### Comments and clarifications

**Point 1.1 and 1.3: The community concerned**

‘The **community** concerned’ is the group of people that recognize the ICH element as part of their cultural heritage. Sometimes the group in question may be very large: France indicated that all French people constitute the community of bearers of the ‘gastronomic meal of the French’ (inscribed on the Representative List in 2010). The element may be part of a larger set of ICH expressions with which a community identifies themselves but in which not all members of the community are necessarily actively involved. There may be a limited group of individuals who are active in enacting and transmitting a specific element, while the other members of the community identify with the element and participate as a knowledgeable and appreciative audience.

The Convention does not define the concept of ‘community’, ‘group’ or ‘individual’ concerned. Those who prepared the Convention agreed that one person may belong to more than one ICH community and also that persons during their lifetime may join different communities, or leave a community. One and the same person, for instance, may associate him or herself with a national community, a regional community, an ethno-linguistic community and, for instance, a supra-national religious community, or with a group of people who are involved in the practice of one or more ICH elements.

**Point 1.4: Distribution**

Please indicate here where the practice or expression is enacted and transmitted. ICH elements may be associated with one specific location: the Belgian carnival of Binche, inscribed on the Representative List in 2008, for instance, is limited to the town of Binche. In other cases, the geographical area is much broader: the Mongolian tradition of telling the ‘Long story’ (inscribed on the Representative List in 2008) is practised over all Mongolian speaking areas in Mongolia itself and in neighbouring China, for example.

#### Point 2.6: Customary practices governing access to the element

It often happens that, traditionally, a specific practice or expression cannot be performed, or attended by just anyone. Often, too, people of a certain gender, age or background have to play specific roles. It may also happen that that are restrictions on who may be part of the audience. The Convention requires such restrictions to be respected, if that is the wish of the communities concerned. Sometimes community members propose, and the community at large accepts, that certain roles within an ICH practice can be fulfilled by other categories of persons than was traditionally the case so that viability can be ensured.

Article 13(d)(ii) of the Convention requests States Parties to take measures that aim at ‘*ensuring access to the ICH while respecting customary practices governing access to specific aspects of that heritage*’. So, if ICH practices that cannot be attended by everyone (for instance, not by men), are recorded or documented, there has to be a discussion with the communities and groups concerned about whether recordings can be made accessible or shown in places that are open to all. Recordings can of course only be made with the explicit prior and informed consent of the tradition-bearers concerned.

#### Section 3: Viability

Viability refers to the likelihood that the ICH element will be practised in the future; threats to its viability include anything that may prevent its enactment or transmission.

#### Section 5: References

Inventorying is about identifying and defining ICH; it is different from documentation or research. For insertion in an inventory no extensive research or documentation is required. If versions of the element were already recorded, studied or otherwise written about, then information is welcome and section 5 is the place to indicate the appropriate references. This is also the place to indicate the existence of collection of objects or instruments that are associated with *living* ICH expressions or practices.

# IMP 5.7 Lesson plan: Involving the communities concerned

|  |
| --- |
| Title of activity: Implementing the Convention 5.7 – Participation of communities in safeguarding their ICH |
| Duration: 2 hours (plus an additional 2 hours for the optional exercise at the end) |
| Objective(s): Identify, through discussions and the presentation of case studies, the different ways in which communities, groups and individuals can participate in the widest possible way in the safeguarding of their ICH, and thereby in the implementation of the Convention on the local, national and possibly also the international level. |
| Description:  IMP Presentation 5.7   * What can go wrong * Why community participation * What the Convention and ODs say (and do not say) about it * Roles of States and rights of communities * Community participation in what? * Community participation in general: Identification, Inventorying and Safeguarding * Community participation in inventorying * Community participation in awareness raising * Community participation in nominations and international assistance requests * Mechanisms of community participation * Examples of community participation * Exercises (optional) * Case studies:   + The ICBG Maya project (Mexico)   + Subanen documentation project (the Philippines)   + The Otomi-Chichimeca nomination process (Mexico)   + The Cantu in Paghjella nomination process (France)   + The Mijikenda nomination process (Kenya)   + The Patum of Berga (Spain)   + Laura Aboriginal dance and cultural festival (Australia) |
| Supporting documents:   * Presentation 5.7 plus narrative * Hand-out 5.7.1 – roles of stakeholders * Hand-out 5.7.2 – examples of community participation |

**Notes and suggestions:**

The ICBG Maya case study is used as an anchor case study for this session. It should be described and discussed in some detail. The other case studies are illustrative. Alternative case studies could be selected and discussed to illustrate specific local challenges that may face participants. It may be advisable to have examples of both urban and rural communities. In discussions on the case studies, particular attention should be given to the question of the legitimacy and authority of community representatives, an issue nicely illustrated by the Patum case study. The point can be made that different strategies for community participation and representation may be appropriate to different sizes and kinds of communities.

Various exercises are provided in the narrative.

Two of them are focused on relating the content of the session to the participants’ context (the ‘roles of stakeholders’ exercise (slide 6, approx. 20 mins), and the ‘who are my communities?’ exercise (slide 17, approx. 15 mins)). These are important learning exercises in which the discussion can be tailored to the level of experience of participants in the workshop.

The two optional exercises provided at the end of the session are role-plays that allow participants to explore some of the difficult issues that could arise in the development of a community participation strategy. These exercises will take some time to conduct (at least 2 hours is needed for each of them); one of them should be selected, and it should only be included in the workshop if sufficient time is available. This will not always be the case.

# IMP 5.7 Presentation: Involving the communities concerned

Presentation removed to reduce file size

# IMP 5.7 Narrative: Involving the communities concerned

### slide 1. Title

### Slide 2. In this presentation…

* Case study: what can go wrong
* Why community participation
* What the Convention and the ODs say (and do not say)
* When community participation is needed
* How to achieve community participation and consent

### Slide 3. What can go wrong: the ICBG Maya project

[See case study at end of session]

Bio-prospecting (searching for natural products that may be used for the production of new medicines) often relies on traditional medical knowledge about local plants. There are many cases of bio-prospecting using traditional knowledge where community participation, consent and benefit are not prioritized: this would be a violation of the spirit of the Convention and should not be permitted in States Parties to it. Other examples of bio-prospecting show that the communities concerned, and perhaps also other parties, can benefit from the use of their knowledge while safeguarding their ICH. In order to achieve this, it is necessary to develop tailor-made community participation, consent and benefit models, as well as ICH safeguarding strategies, that are considered acceptable and legitimate by the communities concerned and by the other parties involved.

In the case of the ICBG Maya bio-prospecting project, the project designers did reportedly intend to contribute to community development, and to seek community consent. Although this project was mainly aimed at bio-prospecting rather than safeguarding the ICH, it is an interesting case study to discuss because various problems arose in the course of the project that show that it is not always easy to deal in a satisfactory way with community interests and needs.

The project failed because of:

1. Disputes over who constituted the community;
2. Disputes over who represented the community;
3. Disputes over how the community would benefit; and
4. Disputes over what constituted community consent for the project to proceed.

### Slide 4. Community participation: WHY?

As already briefly indicated in session 5.4 of this workshop, any activity concerning any element of ICH that is undertaken in the framework of the implementation of the Intangible Heritage Convention should take place with the fullest possible participation and the consent of the communities, groups or individuals concerned. Community representatives should also be involved in more general ICH-related activities that do not exclusively target their ICH. In several articles, the Convention insists on community participation and the ODs elaborate this position in greater detail, for a number of reasons:

* Unlike tangible heritage, intangible heritage cannot exist independently from the people (communities, groups and individuals) who create it. The knowledge and skills required for enacting and transmitting the ICH are in the minds of these people; the main instruments for enacting it are their bodies. ICH is part of the collective heritage of these people, enacted and transmitted by people who identify with it, and consider it part of their cultural heritage. ICH practices and expressions thus have function and value in the present-day life of these communities, groups and individuals.
* The ‘communities, groups and individuals‘ have stewardship over the ICH they create, maintain, recreate, develop and transmit (the Convention uses all these verbs). None of the activities foreseen under the Convention in the framework of the implementation of the Convention is meant to lead to a change in that stewardship.
* Safeguarding, which is often defined as *ensuring continued practice and transmission* within and by the people concerned (communities, groups and individuals), thus should not happen without their consent, involvement and commitment. The same applies to the management of ICH elements that continue to be practised and transmitted and are not threatened in any way, and thus require no safeguarding measures to maintain their viability (Article 15).

### Slide 5. What the Convention and the ODs say (and do not say)

The Intangible Heritage Convention requires States Parties to involve the relevant people (communities, groups and individuals) in the identification and definitions of their ICH (Article 11(b)) and to endeavour to ensure their participation in the management of that ICH (Article 15). The Operational Directives indicate in greater detail how States can involve communities in various activities under the Convention (see the table at slide 7 below).

However, the Convention and the ODs do not give precise indications about how to identify the relevant communities, groups and individuals in safeguarding activities, nor indeed do they give much guidance about how to involve them. This gives considerable leeway to States Parties to respond to their specific circumstances. It is, for instance, equally possible to start by identifying specific ICH elements and then working with the people who practise and transmit them (who would be defined as (part of) ‘the community concerned’); or by first identifying communities and then, with them, identifying their ICH.

The fact that there are many ways of defining communities and their ICH can cause uncertainty. States Parties often ask for guidance on this matter, which UNESCO cannot give. Exploring a number of examples and case studies can demonstrate various ways of identifying who are the communities concerned, and ensuring their participation, some of the problems that may arise in doing so, and perhaps how to avoid some of them.

### Slide 6. Roles of States and the rights of Communities

Communities all over the world have of course been effectively trying to safeguard more or less endangered ICH elements, with or without outside assistance, before the Convention entered into force. ICH safeguarding has also been going on in States that are not parties to the Convention, often with the support of official institutions. Whether or not there is a history of state involvement in ICH safeguarding, the Convention encourages states to assist communities in their safeguarding efforts, through the intermediary of appropriate stakeholders, and to help each other in doing so.

The Convention, which is an agreement between States, does not impose any obligations on communities as far as safeguarding is concerned; they are of course free to decide, for their own reasons, not to safeguard specific endangered elements of their ICH. The Convention calls upon States Parties to take the ‘necessary measures’ to safeguard the ICH ‘present in their territory’, if the communities concerned wish to safeguard their ICH and ask for outside support. Under these circumstances the Convention and the ODs insist that States Parties fully involve the communities concerned in the safeguarding process. Practitioners and tradition bearers – in many cases – need assistance and support to do so. The Convention calls upon States Parties to assist the communities in acquiring or reinforcing capacities and knowledge required for safeguarding their ICH should they choose to do so (OD 81, 82, 85, 105(e), 107 (e), (f), (g), (l) and (m), and 108).

States Parties have to indicate in their periodic reports (once every six years) to the Committee how they have involved the communities concerned in safeguarding their ICH, and how they have helped to build community capacities for safeguarding as well.

With every nomination they make to the Lists of the Convention, and with every request for assistance, States Parties have to prove they have obtained the consent and facilitated the full participation of the communities concerned.

In implementing the Convention at the national level it is therefore important to develop guidelines for the participation of the communities concerned and to document how community participation has been achieved in every nomination and request process, i.e.:

* Who has taken the initiative for inventorying, nominating, safeguarding, or submitting a request;
* How relevant communities, groups and individuals have been identified;
* How representatives of these groups have been identified;
* How communities and/or their representatives have been involved; and
* How community participation has affected the process of inventorying, nominating, safeguarding, or submitting a request.

### Exercise (20 mins): roles of stakeholders

Hand-out 5.4 on roles of stakeholders gives examples of the various roles States Parties, NGOs, experts and other stakeholders can play alongside the communities and groups concerned in implementing the Convention.

Participants should read this hand-out and discuss the roles already played by government, NGOs and communities in their own contexts.

### Slide 7. Community participation in what?

Community participation should be a central aim in the full continuum of ICH safeguarding, from identification and awareness raising, to implementation of safeguarding measures and to actions at the international level. These actions include:

* Identifying and defining;
* Inventorying;
* Awareness raising (within and outside the communities concerned);
* Capacity building;
* Safeguarding and management (Article 15);
* Nominations;
* International assistance requests; and
* Periodic reporting.

Only awareness raising about ICH in general could be done without the direct involvement of the communities and groups concerned, although even then the involvement of a consultative body or a coordination mechanism, as proposed in OD 80, is highly recommended.

For an overview of the possible roles of communities and where community participation and consent are required by the Convention and its ODs see Hand-out 5.4 on Roles of Stakeholders.

### Slide 8. community participation in general

Community participation in ICH identification, inventorying and safeguarding is a central tenet of the Intangible Heritage Convention for the reasons discussed above. No outside agency or actor – and this includes the State – should engage in activities related to ICH without the involvement of the people concerned, and their consent.

It is not always easy to implement community participation models in practice. Hopefully, efficient practices in involving communities will soon be submitted to the Committee for selection as best practices, and after selection will enjoy wide dissemination.

|  |
| --- |
| In the management of tangible heritage, community participation has become a very important principle too, as public value or social value has become more important in establishing the significance of places and objects. New fields of research and practice have emerged around it (such as community archaeology, public archaeology). |

### Slide 9. Community participation in inventorying their ICH

Inventorying ICH is one of the few obligations placed on States Parties. Inventorying should at least contribute to awareness raising and safeguarding; listing specific elements in inventories is also a precondition for submitting them to the Lists of the Convention. Involving the relevant communities in inventorying should not just be undertaken to comply with the requirements of Articles 2, 11 and 12 of the Convention or of paragraphs 1 and 2 of the ODs, but it should also be used to build relationships between communities, the State and other agencies for future promotion, management and safeguarding of ICH.

This is confirmed by Dr Londres Fonseca from IPHAN, the major governmental heritage institution in Brazil, who says:

‘In my own opinion, what is really needed is for the community to participate in the process [of inventorying], because otherwise our vision is going to be too remote from what is actually happening and we shall fail to realize that the name and category of the element are not the only thing that matters. What matters above all are its meanings, the values attributed to it and how people practise it, which varies a lot (...) of course, an anthropologist’s view helps a lot, but I doubt whether the anthropologist’s view is enough. No doubt an anthropologist is very helpful and knows the methodology, but the problem is not just description, because for us an inventory is the first step towards safeguarding. If the population takes part in the inventory, if the community is involved, it has already become a partner in this process. If the inscription takes place without dialogue with the community, even if there is a formal gesture in this direction, I wonder whether there will actually be any involvement in safeguarding or whether this involvement will have to be built afterwards. This is not impossible, but I think it is better to do it beforehand if possible. However, I realize that scale is something very complicated here, and I think that each country must find its own answers.’

Inventorying thus needs to involve the communities, groups and individuals concerned; this is not just recommended in the Convention and the ODs (Articles 12, 15 and OD 80), but proof thereof is required if elements are nominated to the Lists of the Convention. Nomination forms ICH 01 and 02 require States Parties to ‘Demonstrate that the inventory has been drawn up in conformity with the Convention, in particular Article 11(b) that stipulates that intangible cultural heritage shall be identified and defined ‘with the participation of communities, groups and relevant non-governmental organizations’ and Article 12 requiring that inventories be regularly updated.’

The inventorying process ideally starts with information sessions and discussions with the communities concerned about the purpose, process and benefits of inventorying their ICH. Information-gathering and documentation about a specific ICH form may already have begun at some time before this, whether initiated by researchers or community members. If community members are unwilling to have their element(s) documented and/or inventoried this should be respected. If they agree, community members will be involved in the process by, for instance, providing information and setting any conditions of access. They may also possibly be involved in data collection for inventorying, as for example in the Subanen case below, and in managing the inventory itself (depending on capacities). In other cases this is done by outside agencies or researchers. Community members should be asked to indicate whether there are customary restrictions on access to the element, and information about it (see Article 13(d)(ii)).

### Slide 10. Example: Documenting Subanen indigenous knowledge (the Philippines)

Between 2003 and 2004 the Subanen community in Zamboanga Peninsula (Western Mindanao) in the Philippines documented indigenous knowledge about local plants. Note that this activity was not followed by a nomination to one of the Lists or to the Register of the Intangible Heritage Convention. It is a good example of community participation in documentation.

This example is summarized in Hand-out 5.7 – examples of community participation in safeguarding.

Key points to note are:

* Elders recognized that their knowledge about local plants was no longer being passed on to younger community members
* They asked for help to train young people to document this knowledge within the community, which led to a successful documentation project and enhanced transmission of the knowledge
* Copyright protection was gained in the process of documentation
* Materials were included in the school curriculum, leading to further awareness raising

### Slide 11. Community participation in awareness raising

Awareness raising usually involves disseminating information about ICH within and/or beyond the communities concerned, through the media, educational programmes or in other ways. Awareness raising can help to promote knowledge about ICH and increase understanding, both within the communities concerned and beyond, about the existence and value of specific ICH elements and therefore the importance of practising, transmitting and (if necessary) safeguarding them. Awareness raising may bring some social or economic benefit to the community concerned when people from outside, whose awareness had been raised, visit the community to purchase products or witness aspects of their ICH, for instance. Awareness raising may also foster appreciation and understanding between groups, communities and individuals.

It thus makes sense that communities should participate in awareness raising about their ICH, and also be involved in giving (or denying) consent for it to happen.

The ODs strongly encourage States Parties to ensure community participation in awareness raising about their own ICH, and to obtain their free prior and informed consent for it to happen (OD 101(b)). This can help to ensure that communities and/or their ICH are not misrepresented in awareness-raising activities. There is an extended discussion about free, prior and informed consent below.

The ODs recommend that States Parties ensure that the communities concerned benefit from awareness raising about their ICH (OD 101(d)), and that their rights are protected in the process (OD 104). This will be discussed further under ‘Protecting the rights of communities’ below.

### Slide 12. Community participation in nominations and international assistance requests

It is imperative that the communities concerned are involved and provide (or deny) their consent when proposals are made to nominate elements of their ICH to the Lists of the Convention, or if international assistance is requested for safeguarding their ICH. If they are not involved, or do not agree to the process being undertaken, nominations and assistance requests cannot be accepted by the Committee.

**A simple illustration of what can go wrong if the community concerned is not well informed about and/or does not participate in the nomination process:**

A French ethnologist had studied a procession that takes place once every six years in a village in the West of France. He thought it was a pity that the procession nowadays attracts fewer people than it did some decades ago and that it was taking on a folkloric flavour. He had the idea that the procession would make a good candidate for listing under the Convention and announced in the press that ‘Paris’ had already approved the idea of nominating the procession to the Representative List, in view of safeguarding it. He developed a nomination file, more or less by himself, which he shared with the local population at a relatively late stage of the process. A cascade of meetings started in the village: most people who were directly involved – such as the peasants whose territory was crossed by the procession – were surprised, suspicious and displeased by the activities of the ethnologist. They were worried that customary rights of way would be permanently established over their land, and were doubtful of the benefit of having tourists join the procession. The villagers thus collectively decided to halt the nomination process. The case was reported extensively in the local press.

For both Lists of the Convention, the nomination forms (ICH 01 and 02) require proof that the communities, groups and/or individuals concerned:

* Have identified the nominated element as part of their cultural heritage;
* Have agreed to the inclusion of the element in an inventory;
* Have participated in the widest possible way in the development of the nomination (and any safeguarding measures presented in it);
* Have given their free, prior and informed consent to the submission of the nomination; and
* Have the will and commitment to safeguard the element if conditions are favourable.

The communities concerned should thus be involved in all the following processes in developing nominations:

* Identifying an element suitable for nomination and describing it;
* Identifying values and functions associated with the element;
* Identifying the element’s viability and any threats to it;
* Identifying previous and on-going safeguarding actions;
* Developing safeguarding measures and plans;
* Reviewing the nomination file; and
* Deciding whether or not to nominate the element.

Depending on the characteristics of the communities and the ICH elements concerned, the mechanisms for ensuring community participation in these activities will differ.

Here are three examples of different community consultation processes used in developing nominations to the Lists of the Convention:

### Slide 13. Example: the Otomi-Chichimeca nomination process (Mexico)

The element ‘Places of memory and living traditions of the Otomí-Chichimecas people of Tolimán: the Peña de Bernal, guardian of a sacred territory’ was inscribed on the Representative List in 2009.

This example is summarized in Hand-out 5.7 – examples of community participation in safeguarding.

Key points to note are:

* In the initial information-gathering phase the authorities appointed representatives from various government agencies to a multi-disciplinary commission as part of a project to promote the cultural and natural heritage of the Otomí Chichimeca people;
* Consultation meetings and an opinion poll were used to engage with the communities and groups concerned;
* Safeguarding proposals were submitted by a wide range of stakeholders including the community concerned;
* Regional forum and community declaration provided proof of community consent’; and
* Representative management / safeguarding body established to assist in implementing the safeguarding plan.

### Slide 14. Example: Nominating the Cantu in Paghjella, a male polyphonic singing tradition (Corsica/France)

‘The Cantu in Paghjella: a secular and liturgical oral tradition of Corsica’ was inscribed on the Urgent Safeguarding List in 2009.

This example is summarized in Hand-out 5.7 – examples of community participation in safeguarding.

Key points to note are:

* The value of expert-practitioner meetings: in 2006, practitioners of the element met with Corsican and other experts at a conference to analyze the threats to the element and develop a public safeguarding policy;
* The importance of associations that involve and include practitioners, and their role in inventorying: in 2007, following consultation with the community of practitioners, the Cantu in Paghjella Association was created for ‘the identification, documentation, research, preservation, protection, promotion, enhancement, formal and informal transmission of the Cantu in Paghjella’; and
* Media campaigns to raise awareness: both local and national media informed the public about the element and the need to safeguard it.

### Slide 15. Example: Nominating the Mijikenda traditions (Kenya)

‘Traditions and practices associated to the Kayas in the sacred forests of the Mijikenda’ was inscribed on the Urgent Safeguarding List in 2009.

This example is summarized in Hand-out 5.7 – examples of community participation in safeguarding.

The case study highlights the says in which communities have been involved in various processes, including:

* Community consultations: a number of meetings about the nomination were held with Councils of Elders, Kaya conservation groups, women’s groups and youth groups;
* Incorporating community ideas into the safeguarding plan: this included ideas about income-generation through bee keeping and eco-tourism, and the recruitment of community guards;
* Community development groups were formed to promote community development while safeguarding the tangible and intangible heritage of the Kayas.

### Slide 16. Mechanisms of community participation and consent

Ensuring community participation in ICH safeguarding and other actions concerning their ICH requires frank and open discussion of the various interests and perspectives of community members, and other stakeholders including experts and government agencies, from early on in the process. Careful attention should be paid to the following questions:

* How to define the communities concerned;
* Who represents those communities and with what mandate;
* How communities can be informed and involved;
* How decisions on safeguarding can be made with the full involvement of the communities and that are agreeable to them?
* Who has the necessary capacities and mandates for implementing the safeguarding measures, and who should be tasked with that (If the main responsibility does not lie within the community, why not?);
* Who monitors the implementation of safeguarding measures; and
* Who ensures that the communities concerned remain properly informed of progress with the implementation of safeguarding measures for their ICH.

These issues will be discussed in greater detail in the following few slides.

### Slide 17. Identifying the communities concerned

Neither the Convention nor the ODs indicate to States Parties how to define or identify communities and, for that matter, groups and individuals concerned. Each State Party will choose the approach that it deems most suitable, taking into account its laws, regulations and demographic policies. What is clear, however, is that outsiders should not identify communities in a top-down process, without consultation or consent.

Often, the communities, groups or individuals concerned are defined as those people who are directly or indirectly involved in the enactment and transmission of one or more ICH element(s), and who consider it to be part of their heritage.

Many States Parties define communities in terms of ethno-linguistic affiliations, location (urban or rural, or by administrative region), or common beliefs or practices, or in terms of their common history. In the Preamble of the Convention it is understood that the term communities also covers indigenous communities.

However, things are usually far from simple:

* Communities often coalesce not just around historical relationships (including shared heritage), but also around current political and economic challenges and goals. Usually people have several kinds of social affiliations through different networks, and these affiliations can change over time.
* Communities are not homogenous and not everyone will agree on every issue. In many cases, not all members of a community fully participate in the same set of ICH. Communities and groups often have internal hierarchies, for instance those based on class, age or gender.
* The community or group, and hence the practice of the ICH element, may be scattered across a wide geographical area, or even in countries located at some distance from each other.
* People within a community can have different roles vis-à-vis the proposed element.
  + There may be small groups of skilled practitioners, tradition-bearers, knowledge-bearers and so on, who play a more direct and/or specialized role in the practice and transmission of the element, such as puppeteers, performers, musicians, shamans, master-woodworkers, etc.
  + The community concerned may also include large numbers of indirect participants, e.g. interactive audiences at rituals or festive events, or people who assist in the preparations for performances or festivals. Understanding and responsive audiences are often essential for meaningful enactment of an element.

### Exercise (15 mins): who are my communities?

Participants should discuss the various communities or groups to which they themselves belong, and mention any associated ICH practices. They should also, conversely, identify some ICH practices they are familiar with and explain who might belong in their view to ‘the community concerned’.

### Slide 18. Identifying representatives

Often communities that are associated with ICH practices are large; often, too, membership of such a community is not well defined. Some communities have structures that assign clear functions to some of their members; other communities lack such structures, or have structures that are not recognized by a country’s administration.

Because States Parties have to work intensively with the communities concerned when it comes to identification, management and safeguarding of their ICH, and because of the requirement under the Convention for States Parties to provide evidence of having obtained free, prior and informed consent from the communities concerned in various actions concerning their ICH, it is important to identify mandated (or at least, widely accepted) representatives or representative bodies. It is seldom possible for all members of a community who are directly involved in the practice and/or transmission of an element to be asked their opinion and to personally give (or deny) consent.

This makes the question of who represents the communities concerned, and with what mandate, a very important one.

Where strong and legitimate community bodies, associations or representatives already exist in a community and are accepted by the community in general, the process of identifying legitimate representatives who can take charge of the management of their ICH is relatively straightforward. The communities can be advised or assisted, through such representatives, in matters concerning inventorying, nominating or safeguarding their ICH under the Convention and about the possible implications of such actions.

Identifying legitimate representatives is more difficult where community organization is poor or non-existent, or, for instance, where only a small group from the community concerned recognizes and values their ICH. In some countries, such as Mexico and Australia, co-operative bodies and community boards have been established on a wide scale to assist in both heritage management and interaction with outside agencies. Outsiders may encourage the formation of community organizations, whether formal or informal, or the selection of community representatives mandated to participate in discussions on ICH safeguarding. However, community organizations controlled or represented by outsiders may not always adequately represent a community in safeguarding their ICH; States Parties should discourage misrepresentation of any kind. The ODs strongly encourage the States Parties to involve communities in capacity-building activities and to provide training for community members in the management of their ICH, where necessary.

There may be disputes within and between communities about the definition of the community associated with a specific ICH element, or about its viability, function and appropriate management. People may debate whether a specific ICH element is associated with only one narrowly-defined community or a much larger group of people. It may happen that some performers of a specific ICH form in a community, for example, come to believe that they are the only legitimate performers of that dance form within the community. Documentation of only one group performing or enacting a specific ICH element for an inventory may encourage such a view. Other performers within that community may dispute the privileged status of the documented group.

These disputes cannot always be resolved through consensus. However, debates about them may help communities to recognize the depth, variety and changing nature of the significance they place on their ICH. Where disputes prevent the emergence of a community consensus, outsiders can undertake few actions under the Convention until agreement is reached within the community.

### Slide 19. Case Study: The Patum of Berga[[9]](#footnote-9)

The Patum is a festival in Catalonia, north-eastern Spain. Initially proclaimed as a Masterpiece of the Oral and Intangible Heritage of Humanity in 2005, it was inscribed on the Representative List in 2008. Conflict about the regulation of the festival within the community concerned illustrates the difficulty of identifying community representatives.

The Patum has been performed in the town of Berga once a year without interruption since at least the early seventeenth century. The core of the festival is a series of dances performed in the town's main square several times in the course of five days, to the sound of a large drum (the Patum). The dances feature different masked and sculpted figures, such as Turks and Christian knights or angels and devils, often in combat with each other. As Dorothy Noyes explains, this contestation is part of what makes the Patum important to the Berguedans:

The Patum is ... the collective performance by which Berga struggles to achieve community; and community is all the more valued for being hard-won.[[10]](#footnote-10)

The Patum teaches Berguedans that they will never love one another, but also that no one is ever going away. Or as they say, ‘No morirem units, però morirem reunits.’ We won't die united, but we’ll die together.[[11]](#footnote-11)

The history of the festival has been one in which differing groups and factions became involved in the same activity for five days, and this forged a sense of community in a town deeply divided by stratifications of gender, class, age, and place of origin. During the Franco period, the festival was promoted, as long as some of its oppositional features were muted. It emerged revitalized from this period. But today, Noyes suggests that the higher stakes of international and national recognition through UNESCO and possibilities for protecting elements of the festival in trademark law, have created a situation in which once again contestations within the community cannot be fully expressed through the festival.

One of the reasons is that one group has become particularly powerful in representing the community to outsiders and controlling the festival. The Patronat, a foundation established in the 1990s, has been acting as the representative of the community that practises the Patum, both in promoting the festival and seeking to register trademarks in some of the distinctive aspects of the festival. The Patronat controls some of the material elements of the Patum, such as drums, effigies and costumes, and some of the administrative aspects of the festival. However, Noyes argues that the Patronat does not represent everyone who participates in the festival, and its efforts to commercialize and control the festival are not supported by all. The Patronat has been accused of excluding some performers, and favouring the church-going middle-class establishment of the town in its activities. From the 1960s to the 1980s, there was much resistance to the festival becoming a commercial event, but in recent years opinion has been divided on this issue, particularly in the musicians’ groups(comparsa). An important minority in the community wish to protect the Patum from external commercial influences.

The organization of the festival has always been a matter for some debate and dispute: ‘Historically, certain elements were imposed from above; others were forced in from below and won sufficient popular acceptance that they had to be tolerated by the authorities.’[[12]](#footnote-12) Today, however, these disputes over the function and administration of the festival, and the increased power and authority of the Patronat, have led some community members and performers to stop participating in it. This is unfortunate since the meaning of the festival revolves around its ability to express and manage dissenting voices within the community.

Further information:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00156>

### Slide 20. Methods and purposes of community participation

The methods of community participation and decision-making will differ depending on the nature and extent of the communities concerned, the available resources, and the nature of the ICH elements concerned and on the task at hand.

Workshops, meetings and consultations, polls, press releases and media campaigns can be organized at different levels, and with different stakeholders, for purposes such as:

* Providing information about the Convention;
* Raising awareness about ICH, both in general and in respect of specific elements;
* Identifying and defining elements of ICH;
* Identifying values and functions associated with specific elements;
* Identifying threats, if any, faced by specific elements;
* Facilitating communication within the community or group;
* Facilitating communication between the communities concerned, outside experts, government agencies and NGOs;
* Sharing information (where appropriate) about the ICH of one or more communities;
* Gauging community interest in safeguarding their ICH or part of it;
* Deciding whether or not to safeguard one or more ICH elements;
* Capacity building within the community concerned;
* Sharing skills in ICH safeguarding;
* Developing safeguarding plans;
* Lobbying for support for safeguarding;
* Evaluating on-going safeguarding actions
* Deciding whether or not to nominate a specific element; and
* Developing nominations.

### Slide 21. Obtaining Free, prior and informed consent

The notion of free, prior and informed consent was originally designed to apply to individuals, but it has now been extended to groups of people in instruments like the Convention on Biological Diversity (CBD), Intangible Heritage Convention and in various WIPO texts and recommendations.

The free, prior and informed consent of the relevant communities is required for the development and submission of nomination files to the Intangible Heritage Convention’s Lists, including the development of a safeguarding plan as part of the nomination file. The determination of free, prior and informed consent is also strongly encouraged for awareness-raising activities although, apart from the periodic reports, the Committee does not as yet provide a process through which this would be monitored. Community consent is implicitly required for identification, inventorying and safeguarding activities under the Convention but no formal proofs of this are currently required except in the framework of nominations to the Lists of the Convention. The CBD speaks of the ‘approval and involvement’ of the holders of traditional knowledge about the conservation and sustainable use of biological diversity and equitable sharing of benefits with them (Article 8(j)). Elsewhere, the Conference of the Parties to the CBD speaks of the ‘prior informed consent of indigenous and local communities’.[[13]](#footnote-13)

What does free, prior and informed consent mean in the context of nominations to the Lists of the Intangible Heritage Convention?

* ‘Prior’ means that the communities concerned were informed well beforehand and have had the time for internal consultation and deliberation;
* ‘Informed’ means that they were given all relevant information relating to the nomination process (including any nomination files prepared with community involvement); it also means that the community representatives were informed of their right to agree or not to agree with the submission of the nomination file; and
* ‘Free’ means that no pressure was exerted on them when they were in the process of making a decision.

The manner in which consent is reached may differ from one case to another. Proof of consent is required for nomination files, and consent thus needs to be documented in one way or another. States Parties may submit nomination files with written consents, or consents given via audio or video materials. The latter mode of consent may be preferable when the communities concerned feel more comfortable with verbal consent. Communities may withdraw their consent for the nomination of an element to the Convention’s Lists.

The Convention and ODs currently give no guidance on the procedure to be followed by States Parties in obtaining consents, nor are there criteria the Committee may use to check the adequacy of the procedures followed. They also give no guidance on what to do if disputes arise within communities about the granting of consent for safeguarding and other activities concerning their ICH.

It should be noted here that at its meeting in Nairobi (5COM, 2010) the Committee received objections from members of two or three communities about elements being evaluated for inscription, but nevertheless inscribed these elements on the Lists of the Convention. In doing so, they followed the recommendations of the experts and/or the Subsidiary Body who, having read the letters concerned had seen no reason to change their recommendations. This approach may change in the future as the Committee plans to discuss at its next session a procedure for dealing with problems that are brought to its attention regarding nominated elements.

Where significant disagreements arise within the communities concerned, it is best to wait until a resolution is reached before proceeding with any activities where community consent is explicitly or implicitly required: identification, inventorying, nomination, safeguarding and awareness raising.

The process of obtaining free, prior and informed consent for interventions regarding ICH cannot by itself guarantee that a community’s rights have been protected or ensure an equitable relationship between communities and outsiders, although it may be used as a way of building trust and common understanding between them. Commenting on this, G. Dutfield says that ‘Prior informed consent should be part of a broader regulatory framework; it should not be mistaken for the framework itself’ and ‘emphasizing prior informed consent over other [regulatory] approaches may be unhelpful’.[[14]](#footnote-14) After the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization (2002) were developed, other guidelines and protocols are being prepared to assist in the implementation of the Convention on Biological Diversity (CBD). This may encourage and guide the development of similar tools in the field of intangible heritage.[[15]](#footnote-15)

### Slide 22. Protecting the rights of communities

The implementation of the Intangible Heritage Convention should not affect existing obligations of States Parties under international intellectual property rights instruments to which they are already parties (Article 3(b)). This means, among other things, that the Convention does not confer any new IP rights over ICH elements to anyone, nor does it impose any new obligations in this respect on States Parties. However, the ODs encourage States Parties to ensure ‘in particular through the application of intellectual property rights, privacy rights and any other form of legal protection, that the rights of communities, groups and individuals that create, bear and transmit their ICH are duly protected when raising awareness about their heritage or engaging in commercial activities’ (OD 104). OD 81 encourages States Parties to sensitize communities to the importance and value of their ICH, as well as of the Convention, *so that the bearers of this heritage may fully benefit from the Convention*.

Awareness-raising and commercial activities are highlighted because these are areas of concern that have been prioritized in the initial development of ODs under the Convention. These are probably not the only areas in which the Organs of the Convention will seek to ensure, through additional Operational Directives, that the rights of communities are respected.

Broadly speaking, protecting the rights of communities over their ICH may help create conditions that ensure the viability of that ICH. Some of these rights can be enforced through intellectual property legislation at a national level; others are best protected through benefit-sharing agreements or contracts between commercial interests and community organizations. The rights communities should have over their ICH are not specified in any detail the Convention or its ODs, but the Operational Directives indicate that these rights include intellectual property rights, and the right to benefit from the use of their ICH (see OD 104, 101(d), 107(m) and 116). In addition to that, OD 103 encourages the States Parties to adopt codes of ethics in order to ensure appropriate ways of raising awareness.

In other words:

* Communities should be acknowledged and respected as the traditional bearers of their ICH (OD 105(d); they should not be misrepresented, see OD 102, i.e. their moral rights should be respected);
* Communities should not be pressurized into sharing secret or sacred knowledge about their ICH. Communities should also be able to decide whether secret or sacred knowledge relating to their ICH that is already in the public domain (for example in published texts) should be further publicized or not, see Article 13(d)(ii) and OD 101(c), 153(b)(iii) - i.e. their rights to privacy should be respected;
* Communities should be consulted on activities regarding their ICH planned in and by States Parties to the Convention, informed about the likely consequences of such actions, and be able to enter into agreements that protect their own interests, especially regarding awareness raising and commercialization of their ICH (i.e. their intellectual property rights should be respected and if no such rights are provided in law then the agencies working with them should be encouraged to assist them to mobilize other legal and social mechanisms to allow them to benefit from the use of their ICH as far as possible).

For example, if a television programme is made about a specific form of traditional medical therapy used in a small regional community (previously unknown to the rest of the world) and broadcast to the whole country, an undesirable result would be the use of this information to create a new commercial product based on this therapy, perhaps even patented by commercial interests, manufactured in another part of the country, with profits accruing to commercial companies. This would not benefit the small regional community, or those who had the original knowledge about the remedy; it may in fact threaten the livelihoods of people in the community and their transmission of the ICH. If anticipated, the situation can be avoided or addressed promptly when it arises. Such activities would not constitute awareness raising under the Convention.

Communities should be assisted where necessary to negotiate agreements that protect their rights and interests. Often, it is ignorance of the law and inability to enforce it that prevents communities from protecting their rights in respect of their heritage. Often, too it is the absence of suitable legislation to protect community rights over their ICH. In most patent law, for example, knowledge that is in the public domain cannot be patented (it would constitute ‘prior art’).[[16]](#footnote-16) Unscrupulous people sometimes use traditional knowledge that is in the public domain to commercialize traditional remedies without passing on any benefit to the communities concerned, or seek access to secret knowledge about traditional remedies in order to patent it for their own account.

In some countries, however, intellectual property law has been amended so that it prohibits the commercialization and/or patenting of knowledge held by indigenous communities without consent, whether or not this knowledge is in the public domain. Sometimes, traditional knowledge can be registered in a ‘prior art’ database to prevent commercial patents being taken out on it without consent. Through such mechanisms, companies interested in commercialization could be encouraged or forced to develop benefit-sharing agreements with the communities concerned. This would permit sustainable commercialization of traditional medical remedies, for example, while financially benefiting the communities concerned.

### Case study: The Laura Aboriginal Dance and Cultural Festival

The Laura Aboriginal Dance and Cultural Festival is a biannual celebration of indigenous Australian song, dance and music.

‘The Laura Festival is the longest running continual Aboriginal cultural festival in Australia. In 1998 it was revealed that certain images of dancers from the Wik community taken while they were performing at the Festival were being reproduced commercially without permission. Photographs were available on CDs, postcards and other products. Since these images are only suitable for reproduction upon permission by those with appropriate cultural status, the reproductions were deemed to be culturally offensive.

Under Wik customary law, the right to control elements of a ceremony of performances rests with specific individuals, namely senior custodians or elders. Under Australian copyright law, like most copyright laws, the copyright in the images of the dancers is vested in the photographer (who is the author for copyright purposes). Had the dancers known this, they would not have allowed any photography during the performance or would have reconsidered performing at the Festival. This highlights the need to provide information to tradition-bearers about the range of rights that may exist in a performance and, when a performance is documented, the performers themselves need access to information about IP rights in order to make informed decisions.

Since 1998, the organizers of the Laura Festival have adopted a written agreement concerning all photography and filming at the Festival. The agreement contains terms requiring that consent be obtained from the performers and that certain conditions for control of commercial photography be followed. Approved photographers sign an agreement stating that any commercial photography will be undertaken only after consent of the performers is received.’[[17]](#footnote-17)

### Slide 23. Ensuring communities benefit

Without any benefit, material or social, few communities would continue practising those elements of their ICH that require significant investments of time, goods or money. ICH practices, whether they require a significant investment of time, goods or money or not, tend to be of high social value to the communities or groups concerned. An ICH element may for example help to keep the community together by reinforcing identity and a sense of shared history; it may encourage altruistic behaviours within a community such as sharing of goods and services. Practising the ICH and associated activities such as promotion or awareness may generate financial or other benefits too. Commercialization, which may form part of a safeguarding plan, should provide the community – in particular the practitioners – with economic benefit.

The Operational Directives recognize that there is usually some benefit for the community concerned in practicing and safeguarding their ICH. The ODs underline the importance of such benefit as a by-product of the implementation of the Convention (OD 81), and specifically from any awareness-raising activities (OD 101(d)). Ensuring communities benefit economically or in other ways from safeguarding and other activities can motivate them to continue practising their ICH.

The nature of the benefits accruing to communities from the normal practice and transmission of their ICH are very varied and will not be discussed here. Session 5.9 discusses the question of additional income gained from raising awareness about the ICH of a region or town (e.g. from increased tourism), or from commercialization of crafts and knowledge held by the community. Further examples of benefit sharing agreements are also provided in session 5.9.

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| OD 81 | States Parties shall take necessary measures to sensitize communities, groups and, where applicable, individuals to the importance and value of their intangible cultural heritage, as well as of the Convention, so that the bearers of this heritage may fully benefit from this standard-setting instrument. |
| OD 101(d) | The communities, groups and, where appropriate, individuals concerned shall benefit from the actions taken to raise awareness about their intangible cultural heritage. |
| OD 116 | Commercial activities that can emerge from certain forms of intangible cultural heritage and trade in cultural goods and services related to intangible cultural heritage … should not, however, threaten the viability of the intangible cultural heritage, and all appropriate measures should be taken to ensure that the communities concerned are their primary beneficiaries. … |

### Optional Exercise 1 (2 hours): role-play on community participation in Safeguarding

In this role-play, some participants in the workshop (the ‘A-group’) are asked to prepare for about 20 minutes and then play specific roles in a meeting organized by the provincial government to inform community representatives (the ‘B-group’) concerning possible safeguarding actions for an element of their ICH.

The meeting is aimed at assessing community willingness to support the safeguarding of the element of their ICH and at some later stage to participate in the implementation of safeguarding measures. The remaining participants in the workshop play the role of members of the community concerned with the element.

The A-group includes:

(i) An employee of an NGO (in the field of sustainable development in rural areas),

(ii) An official from the national ministry of culture),

(iii) A researcher from the capital, and

(iv) A practitioner who has been involved in a documentation project with the researcher.

All four of them, including the practitioner, are interested in safeguarding the element – for a variety of reasons (these reasons should be developed by the participants playing the roles).

The meeting is chaired by a director of the provincial administration, responsible for culture and heritage), role-played by the facilitator.

The purpose of the meeting is

(a) To inform the community about:

(i) The obligations of the State as a Party to the Convention;

(ii) The idea of safeguarding under the Convention;

(iii) The role of communities therein;

(iv) The implications of safeguarding under the Convention;

(v) The possible preparation of a safeguarding plan for the ICH element of the people in the B-group; and

(vi) The intention of the government to seek financial assistance from the Fund of the Convention.

(b) To discuss with the community representatives (the ‘B-group) whether the community as a whole might agree to the proposed safeguarding programme, and whether they might wish to participate in its implementation, and whether they might agree to the request for international assistance.

Unless the participants or the facilitator prefer another element, the ICH element concerned could be a celebratory dancing and singing festivity that has been practised at the end of the harvest period in the rural community for many generations, but is now threatened, by mechanization of agriculture, by lack of space and time, and by the migration of young people to towns. The element is included in the Provincial Heritage Inventory. Safeguarding the element might include awareness raising, having the dances and songs taught through voluntary after-school classes to the children of the villages concerned, promoting the element in tourist information, paying the musicians, encouraging young people to return to the rural areas at the end of the harvest to participate in the festivity.

#### Timetable for the exercise

##### Preparation: 40 mins

10 minutes: the facilitator explains the role play, summarizes the element and mentions proposed safeguarding measures, and distributes roles.

He/she gives more specific instructions to the A-group (the suggestions below may be handed out to them but it should be emphasized that the role-players may of course invent their own arguments and take different angles on the issues).

The speeches could explain, for example:

* All: About the NGO, institution or government agency the speaker works for, and, in the case of the practitioner of the element, about their role in practising the ICH;
* Government representative: What the Convention means by ICH and by safeguarding; Why the Convention requires that the community concerned participates in ICH identification, nominations, awareness raising and safeguarding; Why community consent is necessary for this process;
* NGO: How awareness raising might contribute to the safeguarding of the element and how safeguarding it could benefit the community;
* Researcher: Why safeguarding is needed; What steps could be considered for safeguarding (including nomination to the USL);
* Practitioner: Why it would be a good idea for the community as a whole to agree to the preparation of a safeguarding plan and to decide to involve themselves in its execution and in preliminary awareness- activities; What are the issues to be considered by the community in deciding whether to give their consent to awareness-raising activities; How community consent could be reached and documented;
* All: How the speaker or their organization or agency could assist the community undertake in reaching consensus; how they propose to involve the community in the development and implementation of safeguarding measures.

30 minutes: participants of the A group prepare speeches to be delivered by them during the meeting and discuss among themselves the content of these speeches; B-group people listen to this discussion and prepare to ask questions and debate the issues at hand.

##### Meeting – speeches: 25 minutes

5 minutes: Facilitator, who chairs the meeting as the provincial director, **opens the meeting,** explains briefly the purpose (‘as we know, we are here to see (i) whether the community at large might give its consent for the preparation of a safeguarding plan, for which the State is ready to seek financing from the Intergovernmental Committee of UNESCO’s Intangible Heritage Convention and (ii) what could be the commitment of the community in implementing the plan’).

20 minutes: after having been given the floor by the chair, the members of the A-group **give short** speeches (about 5 minutes each) to make their points.

##### Meeting – discussion: 45 minutes

30 minutes: debate, the chair gives the floor to the B-group, who will have questions, often critical, to the A-group people – from the beginning there will be debate, monitored by the chair (facilitator). The A-group is requested to give brief answers.

15 minutes: Evaluation of the meeting by all workshop participants, guided by the facilitator.

### Optional Exercise 2 (2 hours): plan an advocacy strategy to prevent the nomination of an element to one of the Convention’s lists

Community members may decide in some circumstances that they wish to oppose a process for nominating an element of their ICH to the Convention’s Lists – a process that has been suggested by others. The setting of this exercise is a meeting in a provincial governmental institution, chaired by a provincial governor. The facilitator will provide the participants with information about the ICH element at stake (preferably one well known to the participants, or one already discussed in the course of the workshop).

A group of about 8 participants plan the meeting and play key roles; other participants (such as meeting observers) may participate as community members in the plenary role-play.

The group of about 8 participants take the following roles:

* Three or four representatives of a community that has decided that it does not wish a specific element of its ICH to be nominated to one of the Lists of the Convention;
* Three or four representatives from NGOs, research institutes and official agencies, who are keen to see the nomination process proceed; and
* A representative of the provincial government, who chairs the meeting.

Those who play the roles of community representatives have to plan a ten-minute speech (or two or three shorter speeches), explaining why they feel it would be better not to submit a nomination file. They could make reference to some of community concerns about increased tourism disturbing rituals or damaging sacred sites where ICH practices are performed, concerns about controlling access to secret or sacred knowledge, or any other case they want to make.

Those who take the roles of representatives of NGOs, institutes or agencies, prepare short speeches explaining why they think the nomination should proceed. While taking community concerns into account, they try to convince community members to agree to participate in the preparation of a nomination file.

When the speeches have been prepared (45 minutes maximum), the actual meeting takes place. In the meeting, the chair will first give the floor to the community representatives and then to the representatives of NGOs, institutes or agencies. Then follows a final discussion between the representatives, with a conclusion by the chair. After that, the facilitator invites the other participants in the workshop, who have been listening to interventions and the ensuing debate, to give their comments and appreciations. The facilitator encourages debate and gives his/her conclusion.

### Case study: the ICBG Maya project[[18]](#footnote-18)

This study shows how a project can fail in spite of an extensive community consent process and plans for the community concerned to benefit from the project. The ICBG Maya project failed because community representatives were not involved early enough in the process and the community concerned was therefore not involved in the planning stage as an equal partner. Distrust between the parties also played an important role. Disputes arose between community organizations and activists and the project team about the process, intentions and likely outcomes of the project, how consent should have been reached and how the community concerned should have been defined. The study shows how difficult it is to establish community consent in the absence of strong community governance structures that are perceived as legitimate by all concerned, and in the absence of trust between the parties. It also shows the importance of having clear and consistent national legislation and monitoring mechanisms ensuring that community rights over their traditional knowledge or ICH are protected and informed consents are sought for such projects. Such legislation and other instruments should be drafted in accordance with obligations that States may have accepted by ratifying such international legal instruments as the Biodiversity Convention and the Intangible Heritage Convention.

The project ‘Drug Discovery and Biodiversity among the Maya of Mexico’ was planned to be a five-year research project in the Chiapas highlands in the south of Mexico. Brent Berlin, an ethnobiologist and professor of anthropology and his wife Elois Ann Berlin, a medical anthropologist, at the University of Georgia developed the project. It sought to develop an inventory of indigenous plants from the area, drawing in part on the traditional medical knowledge of the local population about the use of these plants with the idea of developing commercial products, where possible. The project was awarded a grant of US$ 2.5 million from the International Cooperative Biodiversity Groups (ICBG) programme in 1998. The ICBG is a consortium of United States federal agencies that seeks to develop a bio-inventory of terrestrial plants internationally, so that they can be tested for potential pharmacological activity against various diseases and possibly be used to develop new drugs. Other actors were a Mexican multidisciplinary research and graduate teaching centre, *El Colegio de la Frontera Sur* (ECOSUR), and Molecular Nature Limited (MNL), a small for-profit natural products discovery company based in Wales, United Kingdom.

Mexican national regulations stated that plant collection for scientific purposes could only be permitted with the prior informed consent of the legal owners of the land where the plants were found. However, national regulations to manage consents for bio-prospecting (collecting plants with the aim of developing pharmacologically active products) were not yet in place at the time of the ICBG Maya project. Following the requirement in the CBD (1992) for consultation with local communities, one of the project’s first steps was to seek consent from villages in the region for the use of the plant materials. Using the mechanisms of theatre performances explaining the project, and visits to the project facilities, the project obtained written consents from the local authorities in 46 out of 47 of the hamlets in the area.

Indigenous people in the Chiapas region have been historically marginalized and repressed, and they are divided along religious, linguistic and political dimensions, with community identity in the region being fluid and politically sensitive. After an uprising in 1994, Zapatista and pro-Zapatista groups continue to challenge State authority in the region to some extent. Partly because of this background, the ICBG Maya project set up PROMAYA (Promotion of Intellectual Property Rights of the Highland Maya of Chiapas, Mexico), a non-profit organization to represent the local Maya population and its interests in relation to the project. It was to receive one quarter of all profits generated by successful bio-prospecting work. PROMAYA was designed to have a majority of Mayan representatives with some outside members.

Although the ICBG Maya project initiators thought they were abiding by legal and ethical requirements for informed consent and distribution of benefits, community organizations raised objections to the project and it was eventually cancelled.

The Organización de Médicos Indígenas del Estado de Chiapas (OMIECH), an organization promoting Mayan traditional medicine, raised concerns about the ICBG Maya project with the Consejo Estatel de Organizaciones de Médicos y Parteras Indígenas Tradicionales de Chiapas (COMPITCH). COMPITCH - a loosely knit council comprising some 1,100 men and women healers from 11 organizations, including OMIECH - was created in 1994 to promote traditional medicine. COMPITCH declined to participate in PROMAYA in 1998 and objected to the fact that in doing so it was thereby excluded from the division of profits. An international NGO called Rural Advancement Foundation International (RAFI, which subsequently changed its name to Action Group on Erosion, Technology and Concentration, or ETC Group), that had been campaigning about intellectual property in the region, assisted these organizations to make their case against the project.

In December 1999, RAFI issued a statement on the internet, ‘Biopiracy Project in Chiapas Mexico Denounced by Mayan Indigenous Group’. The Berlins published their own electronic response, called ‘Whose Knowledge? Whose Benefits?’ asserting that they weren't appropriating sacred knowledge, but ‘knowledge that is openly shared between Maya households, communities and municipalities and outsiders.’ They questioned COMPITCH's authority to speak for all the Maya in the area, and questioned the role of advisers and international organizations in speaking for COMPITCH. Immediately RAFI responded: ‘The project's partners have fallen victim to the ... syndrome wherein anthropologists (who usually know better) delude themselves into thinking that it is their lot in life to set the rules of engagement.’ The community organizations refused to negotiate with the project organizers and refuted the claim that they were seeking to represent the local people. They called for a national moratorium on all bio-prospecting projects until a comprehensive legal framework was in place. As a result of this contestation, the Mexican government and ECOSUR soon backed off as partners and the ICBG Maya project was cancelled in 2001.

Why did the project fail in spite of ‘informed consent’ from local communities?

First, although the ICBG Maya community consent process was very wide ranging and comprehensive, there were problems with it:

* *Consent was sought before there had been proper community participation in planning*.
* Also, plants were collected from the site before the project commenced, which undermined the consent process.
* Instead of making proposals for discussion *the project initiators had set the terms of engagement too firmly themselves*, positioning the indigenous community as recipients rather than co-organizers.
* PROMAYA was conceived by the ICBG Maya project initiators without prior consultation with the community concerned;
* The plan for community representation through PROMAYA, benefit sharing, and intellectual property protection *was already set out when Mayan people were invited to give their consent*.
* COMPITCH and RAFI claimed that not enough information was given to people in this process for their consent to have been ‘informed’.
* COMPITCH and RAFI questioned the validity of the project’s approach to consent, in which individual community agreements were negotiated separately, instead of seeking a more holistic approach to negotiations.
* They also argued that according to community law, a larger proportion of community members’ signatures were needed on the consent forms for the project.

Second, the various stakeholders *disagreed about the boundaries of the community concerned and its legitimate representatives*. COMPITCH claimed that the entire Mayan community should be consulted -about two million people in Mexico and neighbouring Guatemala, not just in the Chiapas Highlands. Neither elected representatives from municipal governance structures nor strong community organizations could say they represented the community.

Finally, there were disagreements over the likely beneficiaries of the project. The project planners believed that it would benefit indigenous people. It would, they claimed, protect Mayan intellectual property because of a proposed co-ownership plan for any patents, and documentation of Mayan traditional plant knowledge would classify it as ‘prior art’ and thus prevent companies from patenting it without their permission. PROMAYA would have a veto over the use of patents. In no case were plants to be patented or research products used for the development of transgenic organisms. Most economic benefits were expected to be locally generated and not dependent on bio-prospecting results or eventual agreements with pharmaceutical companies. In the event of any bio-prospecting results, the project organizers agreed to share monetary benefits between the four agencies involved, including PROMAYA. COMPITCH and RAFI claimed that the project was an example of Northern imperialism and only the academic and commercial partners would benefit while local people were forced to pay more for their healthcare. This was part of a broader objection to the commercialization, privatization and individualization of knowledge and resources that had previously been owned collectively and freely exchanged.

The problems that arose around the project were thus part of a broader political and social contestation between community activists on the one hand and government, academics and the pharmaceutical trade on the other. These groups all had differing ideas of the community concerned and how it should best be defined and protected, and of the resources involved and how they should be protected. The stakeholders did not (and perhaps could not) develop a common position through broader public participation before proceeding with the project. The project thus failed. One good outcome of the project was greater sensitivity to these problems within Mexico and more broadly; it also encouraged Mexican government agencies to improve legal guidelines for bio-prospecting projects.

**Further information**

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# IMP 5.7 Hand-out: Examples of community participation in safeguarding

The Intangible Heritage Convention requires States Parties to involve communities and groups in identifying their ICH elements, and it strongly encourages the States Parties to involve them in managing their ICH. Of course, communities all over the world, with or without outside assistance, have been effectively safeguarding ICH elements before the Convention entered into force, or in States that are not parties to the Convention.

The Convention and the ODs do not give precise indications as to how to involve (or even define) the relevant communities, groups and individuals.

This hand-out provides a few examples of community participation in safeguarding actions.

The Convention does not impose obligations upon communities regarding their ICH; they are of course free to decide not to safeguard their ICH. The Convention does however call upon States Parties to ensure that the communities concerned participate in the safeguarding process if it is their wish that their ICH be safeguarded. In implementing the Convention it is therefore important to document how community participation has been achieved in the safeguarding process, i.e.:

* Who has taken the initiative for inventorying, nomination (if relevant), safeguarding etc.;
* How relevant communities, groups and individuals have been identified;
* How representatives of these groups have been identified; and
* How community participation has contributed to the process of safeguarding.

The examples below show that although different stakeholders can take the initiative for safeguarding processes, the participation of the relevant communities, groups and individuals still has to be ensured.

## Community-based documentation of intangible heritage in the Philippines

Between 2003 and 2004 the Subanen community in Zamboanga Peninsula (in Western Mindanao) in the Philippines documented their indigenous knowledge about local plants considered valuable for medicinal, agricultural, economic, and religious reasons.

Plant diversity in the region is declining due to population pressure and climatic change. Elders in the community recognized that as plant diversity dwindles, knowledge about plants also declines. They realized that indigenous knowledge was no longer being passed on to the next generation, and could eventually disappear forever.

The Subanen leaders therefore sought assistance from specialized organizations to provide them with the skills to document this indigenous knowledge themselves, with external experts acting as facilitators. Community elders provided information that was documented by younger, literate community members.

The resulting documentation was packaged into a multimedia format and other popular educational materials in English with Subanen translations. These materials were formally registered with the government copyright office, in order to guarantee the community’s intellectual property rights. The community’s education programme now uses them to teach schoolchildren about their culture; they are also used as curriculum material for adults who want to learn to read and write in their ancestral language.

Further information:

<http://www.unesco.org/culture/ich/index.php?pg=00261>

<http://www.ifad.org/english/indigenous/pub/documents/Indigeknowledge.pdf>

## Community involvement in the Nomination of the Cantu in paghjella: a secular and liturgical oral tradition of Corsica (France)

The Cantu in Paghjella was inscribed on the Urgent Safeguarding List in 2009.

The paghjella is a male Corsican singing tradition. It combines three vocal registers that always enter the song in the same order: *a segonda*, which begins, give the pitch and carries the main melody; *u bassu*, which follows, accompanies and supports it, and finally *a terza*, the register with the highest pitch, which enriches the song. Paghjella makes substantial use of echo and is sung *a capella* in a variety of languages including Corsican, Sardinian, Latin and Greek. As both a secular and liturgical oral tradition, it is performed on festive, social and religious occasions: in the bar or village square, as part of liturgical masses and processions and during agricultural fairs. The principle mode of transmission is oral, largely through observation and listening, imitation and immersion, commencing first as part of young boys’ daily liturgical offices and then later at adolescence through the local Church choir. Despite the efforts of its practitioners to revitalize its repertoires, paghjella has gradually diminished in vitality, due a sharp decline in intergenerational transmission caused by emigration of the younger generation and the consequent impoverishment of its repertoire. Unless action is taken, paghjella will cease to exist in its current form, surviving only as a tourist product devoid of the community links that give it real meaning.

Since the 1970s, practitioners of the Cantu in Paghjella have tried to transmit this increasingly endangered song tradition to the younger generation, within the framework of the Riacquistu Movement promoting cultural revival in Corsica.

In 2006, the Centre for Traditional Corsican Music organized a conference on the theme ‘Intangible Cultural Heritage and Transmission: Can Traditional Corsican Polyphony Disappear?’ Practitioners of the element met with Corsican and other experts to analyze the threats to the element and develop a public safeguarding policy. Participants expressed their concern regarding the threats to the viability of the element and noted the urgency of reviving the process of transmission. The debate that began during the Symposium spread to the community of practitioners and to the public.

In 2007, following consultation with the community of practitioners, an association was created for ‘the identification, documentation, research, preservation, protection, promotion, enhancement, formal and informal transmission of the Cantu in Paghjella in relation to the regional, national and international instances and bodies.’

The Cantu in Paghjella Association requested France to include the element on the inventory it has to establish under the Intangible Heritage Convention. The Cantu in Paghjella Association established a research team of five people (practitioners and experts) who established an inventory of the existing practices, working with the practitioners. Comparing them with practices existing fifty years ago, they noted an important reduction in the number of practitioners of the Cantu in Paghjella and the impoverishment of its repertoire. In this process not all practitioners of the element agreed to being recorded.

At the same time, local media (Corse Matin, France 3 Corse, Journal de la Corse) and national media (TF1, LCI), informed the public about this work.

On 23 July 2008, during the preparation of the results of the 2006 Symposium, the request for the nomination of the Cantu in Paghjella to the Urgent Safeguarding List was presented to the members of the Economic, Social and Cultural Council of Corsica (CESC).

On 16 March 2009, the Corsican Assembly unanimously adopted a vote requesting the State to nominate the candidature of the Cantu in Paghjella for inscription to the Urgent Safeguarding List. Thirty practitioners, participating regularly in the secular and religious Cantu in Paghjella, approved the nomination to the Urgent Safeguarding List and the associated safeguarding plan.

Further information:

<http://www.unesco.org/culture/ich/index.php?USL=00315>

## Community involvement in the nomination of the Traditions and Practices associated to the Kayas in the Sacred Forests of the Mijikenda (Kenya):

This element was inscribed on the Urgent Safeguarding List in 2009. The element involves traditional music and dance, prayers and songs, the production of sacred ritual objects as well as ritual and ceremonial practices and an acute awareness and knowledge of the natural world, associated with the kayas of the Mijikenda. Kayas are sacred places in the forests, remnants of huge forested areas along Kenya’s coastline where the ancestors of the Mijikenda lived. Today, Mijikenda do not live in the Kayas but return to them for traditional practices. Some of the Kayas have been inscribed on the World Heritage List, which has encouraged an increasing number of tourists to visit them.

The National Museums of Kenya and the Department of Culture held a series of consultation meetings with the Councils of Elders and other members of Mijikenda communities (Kaya conservation groups, women’s groups and youth groups) in the 1990s to discuss conservation and safeguarding issues. A crucial meeting was held on 9th March, 2009 to discuss matters to be included in the nomination file for inscribing the intangible heritage practices associated with the Kayas on the Urgent Safeguarding List. The Provincial Administration of the area supported the consultation process with the Mijikenda kaya communities.

Community conservation and development groups were formed within the Mijikenda communities. These groups conserve the tangible heritage, and safeguard the intangible. The groups and the councils of elders have continued traditional taboos and practices that help in safeguarding and respecting the intangible cultural heritage, such as removing one’s shoes before entering the Kayas, and refraining from smoking while in the Kayas. They have also promoted appropriate development activities such as beekeeping around the Kayas.

The National Museums of Kenya and the Department of Culture organized a sensitization workshop involving Councils of Elders, Kaya conservation groups, women’s groups and youth groups. The community members discussed the function and viability of the traditions and practices, and brought up major issues around safeguarding that were recorded and incorporated into the nomination process:

* They had a strong wish to continue with the traditions and practices related to the Kayas and thus the need to safeguard them together with the Kaya forest ecosystems;
* They wished to start income generating activities such as bee-keeping, eco-tourism and craft for each Mijikenda community to enhance ownership and safeguarding measures; and
* They wished to recruit community guards to work hand in hand with youth groups who act as whistle blowers when the forest is invaded (probably by people seeking resources like wood and plants).

Community inputs about guards and income-generating activities were incorporated into the safeguarding plan.

The Kaya communities, represented by their Elders, gave their consent for their traditional practices to be nominated for the 2003 Convention and particularly for the Urgent Safeguarding List in view of the critical state of their viability. Their agreement was captured in a video clip and written down.

Further information:

<http://www.unesco.org/culture/ich/index.php?USL=00313>

## Community involvement in the nomination and safeguarding of Places of memory and living traditions of the Otomí-Chichimecas people of Tolimán: the Peña de Bernal, guardian of a sacred territory’ (Mexico):

Places of memory and living traditions of the Otomí-Chichimecas people of Tolimán: the Peña de Bernal, guardian of a sacred territory was inscribed on the Representative List in 2009.

In 2005, the Government of the State of Querétaro initiated a project to promote research, safeguarding and sustainable use of the cultural and natural heritage of the Otomí Chichimeca people, who live in Querétaro’s semi-desert.

A brief description of the element, taken from the website of the Convention:

Living in the semi-desert zone of the State of Querétaro in central Mexico, the Otomí-Chichimeca people have developed a range of traditions that express a unique relationship with their environment, a symbolic triangle formed by the Zamorano and Frontón hills and the Bernal rock. It is to these sacred hills that people make annual pilgrimages bearing miraculous crosses to pray for water and divine protection, venerate their ancestors and celebrate their communal identity and continuity. Other community festivities throughout the year make up a calendar of rituals dedicated to the endurance of the Otomí-Chichimeca people, and focused on water, a dangerously scarce element in this climate. The rituals often occur in intimate family chapels dedicated to ancestors or in *chimales,* temporary but impressive reed structures with leaf roofs built as an offering, an emblem of endurance and a symbol of vitality and belonging. The relationship between spiritual culture and physical space is influential on the art of the region – including religious images, murals, dance and music – and the traditions that embody it are central components of the cultural identity of the community.

The government established an inter-institutional and multidisciplinary commission that created a framework for the project, composed of representatives from:

* The Department of Urban Development and Public Works (SDUOP),
* The Department of Sustainable Development (SEDESU),
* The Tourism Department (SECTUR) of the State Cabinet,
* The National Commission of the Development of Indigenous Populations (CDI), and
* The National Institute of Anthropology and History (INAH) of the Federal Government.

Under this commission, investigations were carried out by three of the agencies involved in the region, that revealed community concerns about their natural and cultural heritage. In 2006, a process of community participation was thus started to discuss safeguarding and the possible nomination of the places of memory and living traditions of the Otomí-Chichimecas people of Tolimán to the Representative List. The consultation with the communities concerned in this nomination was very extensive. It was divided into different stages:

1. Two information and consultation meetings were held with the four municipal city councils of the region;
2. Two information and consultation meetings were held with civil and religious authorities as well as community representatives;
3. A wide-ranging community consultation was conducted through five participative sub-regional workshops and an opinion poll in 1,195 households. Around 400 people participated in these workshops including the traditional authorities of the community concerned, such as caretakers, preachers, members of the traditional dance groups, owners of chapels, and members of the State Council of Native People of Querétaro;
4. Over 600 proposals for safeguarding measures were received in this process;
5. These proposals were summarized at a Regional Forum where community members formulated a Declaration, undersigned by hundreds of community members and incorporated into the nomination file.

The element was inscribed on the Representative List in 2009.

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| When inscribing the element the Intergovernmental Committee considered that it satisfied the criteria (see OD 2) as follows (emphasis added):   * R1: The element is a cultural space encompassing symbolic and spiritual meanings and practices related to nature and **rooted in the value system of the community, constituting an important part of the social life of the communities concerned and providing them with a sense of identity and continuity**; * R2: Inscription on the Representative List would contribute to promoting cultural diversity and inter-cultural dialogue at the national and international levels, enhancing visibility and awareness of intangible cultural heritage; * R3: Safeguarding measures, respecting nature in the context of climate change, are proposed **based on the diverse forms of community participation**, while the commitment of federal and local governments as well as the communities concerned is demonstrated; * R4: The nomination was elaborated **based on consultation with communities, groups and individuals concerned through a series of consultative meetings and submitted with their free, prior and informed consent**; * R5: The element is inscribed on the inventories of intangible cultural heritage at the national and local levels. |

Community participation in the safeguarding process continued after the inscription, through a management body that has community representation, and more broadly promoting natural and cultural heritage conservation and development in the region. This body is called the Intersectional Commission for the Conservation and the Development of the Places of Memory and Living Traditions of the Otomí Chichimecas People of Tolimán. This body will coordinate non-governmental community organizations and governmental authorities on the three levels of government. It will accommodate representatives of community organizations from each community. It will also include representatives from the National Board for Culture and Arts (CONACULTA), the National Institute of Anthropology and History (INAH), the Department of Social Development (SEDESOL), the National Commission for the Development of Indigenous Populations (CDI) will participate. Government Departments of Sustainable Development, Health, Urban Development and Public Works, Education, Tourism and Planning and Finances will be represented; as will the four municipalities of the area (Cadereyta, Colón, Ezequiel Montes and Tolimán).

Key points to note are:

* In the initial information-gathering phase the authorities appointed representatives from various government agencies to a multi-disciplinary commission as part of a project to promote the cultural and natural heritage of the Otomí Chichimeca people;
* Consultation meetings and an opinion poll were used to engage with the communities and groups concerned;
* Safeguarding proposals were submitted by a wide range of stakeholders including the community concerned;
* Regional forum and community declaration provided proof of community consent’; and
* Representative management / safeguarding body established to assist in implementing the safeguarding plan.

Further information:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00174>

## Possible mechanisms of community participation:

Workshops, meetings and consultations, polls, press releases and media campaigns can be organized at different levels, and with different stakeholders, for purposes such as:

* Providing information about the Convention
* Raising awareness about ICH, both in general and in respect of specific elements.
* Identifying and defining elements of ICH
* Identifying the communities or groups concerned
* Facilitating communication within the community or group
* Facilitating communication between the communities concerned, outside experts, government agencies and NGOs
* Sharing information (where appropriate) about the ICH of one or more communities
* Gauging community interest in safeguarding their ICH or part of it
* Deciding whether or not to safeguard one or more ICH elements
* Identifying values and functions associated with specific elements
* Identifying threats, if any, faced by specific elements
* Sharing skills in ICH safeguarding, capacity-building
* Developing safeguarding plans
* Evaluating on-going safeguarding actions
* Lobbying for support for safeguarding
* Deciding whether or not to nominate a specific element
* Developing nominations

## Community consents

The free, prior and informed consent of the relevant communities, groups and individuals is required for the development and submission of nomination files to the Convention’s Lists and Register, including the development of a safeguarding plan as part of the nomination file (ODs 1 (U4), 2 (R4) and 7(P5)). It is also required for the development of awareness-raising activities (OD 101(b)). For more information on the requirements of the Convention and its ODs in this regard see Hand-out 5.4.

The manner in which community consent is obtained may differ from one case to the other. It should be clear, however, that:

* ‘Prior’ means that the communities (or their representatives) were informed well beforehand and have had the time for broad consultation and deliberation;
* ‘Informed’ means that members of the communities concerned discussed the effects of inscription and safeguarding, and were informed of the right to agree or not to agree with the proposal;
* ‘Free’ means that no pressure was exerted on the communities concerned from outside in order to obtain consent.

With regard to nomination files, proof is required of the community’s free, prior and informed consent. The manner in which this consent is given is left open, so States Parties may submit files with written consents, or consents given via audio or video materials. The latter mode of consent may be preferable in certain situations, such as where the communities, groups and individuals concerned feel more comfortable with verbal consent. It should be noted that communities, groups and individuals can at any time withdraw their consent for the nomination or inscription of an element on the Convention’s lists. A problem may arise when some in the community are not willing to give that consent, whereas others are.

# IMP 5.8

Session incorporated into 5.10

# IMP 5.9 Lesson plan: Sustaining ICH and supporting sustainable development

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| **Title of activity: Implementing the Convention 5.9 – Sustaining ICH and supporting sustainable development** |
| Duration: 2 hours |
| Objective(s):  Explain the ultimate goal of the Convention is safeguarding ICH which is compatible with the requirements of sustainable development. Analyze with some cases (good and bad) the possibilities of income generation from ICH practices and expressions.  Emphasize link between income generation and transmission in some cases. |
| Description:  IMP Presentation 5.9   * What the Convention and its ODs say * Sustainable ICH / ICH supporting sustainable development * Supporting ICH, supporting communities * Mitigation of risks * Case studies / examples:   + Literacy through Poetry (Yemen)   + Wooden bridge making (China)   + Croatian lace-making   + Bandung procession (Indonesia)   + Festival of Pacific Arts (Oceania)   + Traditional crafts in Penang (Malasia)   + Taquile weaving and tourism (Peru)   + Hoodia (Southern Africa)   + Runa Tupari (Ecuador)   + Uganda bark cloth |
| Supporting documents:   * Presentation 5.6 plus narrative |

Notes and suggestions:

The case studies in this session could be used for illustration purposes but also as material for exercises in which participants are divided into small groups to discuss the questions raised in the session.

# IMP 5.9 Presentation: Sustaining ICH and supporting sustainable development

Presentation removed to reduce file size

# IMP 5.9 Narrative: Sustaining ICH and supporting sustainable development

### Slide 1. Title

### Slide 2. In this presentation …

* What the Convention and its ODs say
* Sustainable ICH / ICH supporting sustainable development
* Supporting ICH, supporting communities
* Mitigation of risks
* Case studies

### Slide 3. What the Convention and its ODs say (Sub-heading)

ICH under the Convention is understood to be living, constantly changing, ‘recreated by communities and groups in response to their environment’, transmitted by them ‘from generation to generation’, recognized by the communities (groups and individuals) concerned as belonging to their heritage, and providing them with a sense of identity and continuity. The Convention does not wish to freeze ICH, or to hamper the development of communities, groups and individuals.

### Slide 4. The definition of ICH

The last sentence of the definition of ICH in Article 2.1 states that for the purposes of the Convention no consideration will be given to ICH that is not compatible with the requirements of sustainable development, among other things.

### Slide 5. Sustainable development (1)

If sustainable development, as defined in 1987 by the Brundtland Commission, is ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’,[[19]](#footnote-19) sustaining ICH means ensuring that it continues to be practised *today* without compromising the ability of the coming generations to enjoy it *in the future*.

ICH is practised and sustained by the communities concerned for reasons that include a confirmation of their sense of identity and continuity, a feeling of well-being, the maintenance of a balance between control over their natural and social environment, and income generation. Much of what is called traditional or indigenous knowledge is integrated into health care, education and management of the natural and social environment. Thereby, the practice and transmission of ICH often contributes to the sustainable development of the communities concerned, and of their environment.

An example of the use of traditional practices for conflict resolution and peace-making was the convening in Kenya of an open-air forum in Kakamega on 9 December 2008. This forum contributed to reconciliation between Luhya sub-communities in Kenya’s Western Province after the violence and disruption following the presidential election of December 2007. More than 25 communities, led by their chiefs and representatives, participated in the event, which led to a resumption of trading activities between some of the communities. At the forum, participants exchanged gifts (grinding stones, cloths and ornaments), shared a locally brewed alcoholic beverage *Busaa*, made references to the *murembe* or *milembe* peace tree, and sang songs known across communities.[[20]](#footnote-20)

### Slide 6. Sustainable development (2)

It should be emphasized that sustainable development does not just mean sustainable economic development of the people concerned: it involves the simultaneous pursuit of the interlinked goals of economic prosperity, environmental quality and social equity,[[21]](#footnote-21) a difficult balancing act in pursuit of a better future.

Sustainable development in a community may be closely linked to the viability of ICH practices in that community. Development projects that are culturally appropriate and informed by local knowledge are usually more likely to be acceptable to local communities, and more likely to succeed, whether they aim to promote economic development, education or health.

Knowledge and practices concerning nature and the universe may contribute to the sustainable development of the natural environment and the community. They may also help to ensure the sustainable availability of specific natural resources necessary for the practice of an ICH element:

For example (1), the irrigation systems of a number of rivers in Spain are managed by water courts, run by farmers who come from the irrigation region and who make decisions according to regulations passed down through the generations.

The element ‘Irrigators’ tribunals of the Spanish Mediterranean coast: the Council of Wise Men of the plain of Murcia and the Water Tribunal of the plain of Valencia’ was inscribed on the Representative List in 2009:

<http://www.unesco.org/culture/ich/index.php?RL=00171>

For example (2), forests are planted and maintained to ensure a supply of specific kinds of wood for building wooden arched bridges in China. If the supply of this particular type of wood dries up, then certain bridge-building techniques used may become more difficult or less durable, or the process of building with wood may become too expensive to continue.

The element ‘Traditional design and practices for building Chinese wooden arch bridges’ was inscribed on the Urgent Safeguarding List in 2009:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&USL=00303>

The practice of certain ICH elements may contribute to greater social cohesion and equity in the community:

For example, the Otomí Chichimeca communities in Mexico abide by a number of traditional rules, passed down orally through the generations, that promote loyalty, community service and peaceful mutual coexistence. The elders in the community undertake conflict resolution and apply sanctions for minor infractions such as plot invasion or property damage, referring unresolved cases or serious criminal offences to the authorities. The application of these traditional rules in no way infringes human rights or individual freedoms granted elsewhere in law.

In Newfoundland and Labrador (Canada) the local government stimulates the revitalization of ICH practices in villages where cod fishing has collapsed as a source of income; the government does so, among other reasons, to reinforce the sense of cohesion and identity of the villages concerned.

The integration of traditional and western medical treatments can give many benefits to patients:

Traditional Chinese medicine has been integrated into the hospital system across most of China. This has had positive effects. For example, one case study reported ‘effective treatment for diabetic foot ulcers with integration of traditional Chinese medicine and Western medicine’.[[22]](#footnote-22) Similar programmes to combine traditional and western approaches to health care have been initiated in India and other countries.

Some good examples show how economic benefits accrued in the practice of an ICH element may be distributed equitably and help to support the communities or groups involved:

For example, in India, a benefit-sharing trust was established in 1997 on behalf of the Kani people to channel benefits into the local community from the cultivation and commercial pharmaceutical use of an indigenous plant. The bioprospecting institute that identified the commercial potential of the Kani traditional knowledge about the usefulness of the plant shared the patent royalties equally with the community.[[23]](#footnote-23)

The Convention does not distinguish between elements that generate income through practice and transmission and those that do not. It also does not provide explicit guidance about how to deal with issues like commercialization, professionalization, tourism and development. However, when such issues arise in the framework of safeguarding activities the Convention and its ODs require the widest possible participation of the communities concerned (Article 15), warn against commercial misappropriation or misrepresentation (OD 117) and recommend that community rights be protected (OD 104) in any commercial ventures.

### slide 7. ICH contributing to development: the example of Literacy through Poetry (Yemen)

The example provided here shows how using ICH expressions for promoting literacy can contribute to gender equity and improve social cohesion.

In Yemen, as in many Arabic-speaking countries, rural people above the age of 35 still commonly compose short poems of two to four lines that they use in daily life and conversation, as well as in conflict mediation. But while some genres of men's poetry have been promoted and more widely disseminated in recent years, women's sung poems, a traditional form of female public expression, are rarely heard any more. This is part of a progressive loss of women's voice within the public sphere in the past 30 years. Women's oral poetry traditions are sometimes denigrated as old-fashioned and unsophisticated, even by women themselves. Women’s poetry has also been depicted as un-Islamic in some quarters.

In 2002-2003, Najwa Adra piloted Literacy through Poetry, a literacy project for adults in Yemen based on the use of stories, poems and rhyming proverbs in local dialects, drawing class content from the local culture. It aimed to address the very high illiteracy rate among rural women in Yemen, up to 80%. Literacy is essential for taking medication or applying pesticides safely, using a cell phone, navigating urban environments, reading letters from migrant kin, and acquiring information about better farming methods; it also enables further education. When asked why they wished to become literate, women often quoted an Arabic proverb - ‘Learning is a woman’s weapon’. It was also hoped that recognizing and affirming women's poetry would encourage younger women to revive and continue their mothers' poetic traditions, thereby empowering women in the public sphere.

Funded by the World Bank and the Social Fund for Development (SFD) in Sanaa, the pilot project offered classes in several rural and urban locations near Sanaa in Yemen. They were given part time over 9 months (Phase 1, 272 contact hours) or 6 months (Phase 2, 220 contact hours). About 200 learners were enrolled in the course and 154 learners completed it. Maritza Arrastea and Fatiha Makloufi developed the curriculum. Secondary school graduates who lived in the rural farming communities were trained to deliver the course.

Dr. Adra describes the project as follows:

Classes began with a discussion of a photograph of a scene familiar to the students or a topic of their choice. Students were encouraged to insert poetry and proverbs into their discussion, as is their custom when discussing issues of importance to them. With the teacher's help, the class developed a short story based on the discussion. This story, which was written on large paper taped to the wall, along with poems and proverbs generated by the discussion, became the text through which students learned to recognize and read phrases, words and letters of the alphabet. In order to reinforce letter and word recognition, texts often focused on particular letters, words or syllables.

Texts were first written in the local dialect spoken in the community. When students developed word and letter recognition, rules of standard written Arabic were introduced. (They need to know standard written Arabic because most published materials and media messages are phrased in standard Arabic.) Each text was typed, photocopied and returned to the students, so that they could learn to read their stories and poems in print as well as handwritten form. Finally, the typed texts of each class were collected and bound into a book. Each student who completed the course was given a book that she helped write.[[24]](#footnote-24)

The pilot project faced resistance in some quarters. Some young men objected to women’s education; they vandalized the classroom in one village. Unexpectedly, some rural women initially objected to the use of oral poetry as a teaching tool because they viewed it as unsophisticated.

Once these problems were addressed, the pilot had a higher success rate than other available models of adult literacy education – essentially a compressed version of the children’s school curriculum - that relied on rote learning. Learners were empowered to participate in national elections, and initiated health interventions in two of the pilot villages. They reported that they were accorded more respect within their families, and they demonstrated greater interest in their children's schoolwork. The demand for adult women's education increased in all of the pilot communities. In the second year, the project was funded and implemented by the Yemeni Social Fund for Development with no help from outside consultants.

The Yemeni Ministry of Education has not yet authorized further classes using this method in spite of continuing demand and adequate funding. Nevertheless, the method could be widely applicable in other contexts. In 2007 the Center of Arab Women for Training and Research (CAWTAR) in Tunisia recognized the project as an example of ‘best practice in women’s empowerment’.

**Further information**

UNESCO website: <http://www.unesco.org/uil/litbase/?menu=4&programme=25>

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### Slide 8. Income generation Supporting ICH (1)

ICH practices are usually appreciated and supported because they express certain commonly shared values, binding people together and giving them a sense of identity and continuity. In many cases people have practised and transmitted their ICH without any material reward. But ICH practice has also often been linked to material reward of some kind or even to commercial activity. Commercial activity is intrinsic to certain forms of intangible cultural heritage, such as handicrafts and other activities that produce a saleable product. It is the main reason why many ICH skills and practices, including, for instance, forms of traditional healing, vernacular architecture, puppetry and mediation, are transmitted over the generations. Nevertheless, the context of (and reasons for) financial support may shift over time.

There are a number of ways in which ICH practice is supported financially:

* By paying practitioners for practising their ICH (storytelling, performance arts, rituals, healing or mediation practices);
* By paying for the transmission and practice of the skills or knowledge of the ICH; and
* By purchasing or bartering for the products of ICH practices and expressions (traditional handicrafts, houses, musical instruments).

The following three examples illustrate these points.

**Example 1: Paying performers: Khmer classical dance:**

The Khmer court supported the Royal Ballet of Cambodia, also known as Khmer Classical Dance, for over 1000 years, remunerating the dancers and providing them with a space to train in the palace. Under the Khmer Rouge, the Royal Ballet not only lost its sponsor, it was actively repressed. After Pol Pot’s defeat in 1979, dance troupes re-emerged and performances resumed. The ballet has regained much of its former splendour but still faces numerous difficulties, such as a lack of funding and suitable performance spaces.

The Royal Ballet of Cambodia was inscribed in 2008 on the Representative List (originally proclaimed as a Masterpiece of the Oral and Intangible Heritage of Humanity in 2003).

Performances would traditionally accompany royal ceremonies and observances such as coronations, marriages, funerals or Khmer holidays. The dancers were considered the kings’ messengers to the gods and to the ancestors. The dances tell the legends associated with the origins of the Khmer people and represent the traditional values of refinement, respect and spirituality. Four distinct character types exist in the classical repertory: Neang the woman, Neayrong the man, Yeak the giant, and Sva the monkey. Each possesses distinctive colours, costumes, makeup and masks. The gestures and poses, mastered by the dancers only after years of intensive training, evoke the gamut of human emotions, from fear and rage to love and joy. An orchestra accompanies the dance, and a female chorus provides a running commentary on the plot.

Similar examples of support given to ICH practices include the support given by European courts to minstrels and jesters, or by kings and chiefs in Africa to local festivities. With the emergence of modern forms of government, support for ICH practices formerly given by monarchs, sultans, shoguns and other traditional rulers has in many cases been replaced by State support, or by support of local politicians or entrepreneurs.

### Slide 9. example 2: Paying for products and the transmission of knowledge – chinese wooden bridge making

Practice and transmission of ICH has been sustained through the generations by income generation. Knowledge and skills can be sold; indeed they often are sold for money, lodging or food, whether by traditional healers, itinerant storytellers, builders and thatchers, and so on. Apprentices in various crafts pay their masters in cash or in kind, for example with free labour, for the transmission of the skills being taught to them.

An example is provided by the ‘Traditional design and practices for building Chinese wooden arch bridges’, which was inscribed in 2009 on the Urgent Safeguarding List.

Today, the bridges are found mainly in Fujian Province and Zhejiang Province, along China’s south-east coast: many of them are hundreds of years old. In rural areas the bridges improve communication and trade between villages and act as venues for social gatherings and religious activity. The woodworking master designs the bridge and directs the carpentry work (including the use of techniques such as ‘beam-weaving’ and mortise and tenon joints). He places his name on the underside of the bridge, thus advertising his skills and enhancing his status. He transmits his skills and knowledge orally and through personal demonstration to apprentices within bridge-building clans. Today it is difficult to attract new apprentices or secure work for all woodworkers because new wooden bridges are no longer in high demand. This is due to rapid urbanization, the unsuitability of wooden bridges for carrying heavy vehicles, and scarcity of timber.

Master builders and other wood and stone workers building Chinese wooden arched bridges have traditionally been paid for their work; even today building and repairing such bridges constitutes paid employment. These masters choose apprentices from certain clans.

### Slide 10. Paying for products Supporting ICH: croatian lace making

While ICH consists of in the first place of knowledge, skills and practices rather than products, the sale (or barter) of the resulting products and services (e.g. healing, fortune-telling, food, craft) has often supported the continued practice and transmission of the associated ICH.

Lacemaking in Croatia was, for example, inscribed in 2009 on the Representative List of the Intangible Cultural Heritage of Humanity.

At least three distinct traditions of lacemaking in Croatia persist today, centred on the towns of Pag on the Adriatic, Lepoglava in northern Croatia and Hvar on the Dalmatian island of the same name. Pag needle-point lace was originally used to make ecclesiastical garments, tablecloths and ornaments for clothing. The process involves embellishing a spider web pattern with geometrical motifs and is transmitted today by older women who offer year-long courses. Lepoglava bobbin lace is made by braiding thread wound on spindles, or bobbins; it is often used to make lace ribbons for folk costumes or is sold at village fairs. Aloe lace is made only by Benedictine nuns in the town of Hvar in Croatia. Thin white threads are obtained from the core of fresh aloe leaves and woven into a net or other pattern on a cardboard background.

Croatian lace is an important component of traditional clothes in the region. Rural women have long sold lace as a source of additional income. Nowadays it is mainly sold to tourists, or bought by official institutions to be presented to high status visitors. In the past, as well as the present, the sale of lace products has supported the practice and transmission of the craft.

### Slide 11-13: Case study: Circumcision processions in Bandung, Indonesia[[25]](#footnote-25)

ICH practice has often historically been characterized by commercial transactions: artists have to make a living. As societies change, the context for these commercial transactions may change too, and this is when practitioners and the people who appreciate the ICH and continue supporting them sometimes turn to government for assistance. This example shows how a government intervention helped to safeguard an ICH element by supporting a community festival and investigating the possibility of a new venue for the ICH practice.

In Ujungberung, the eastern part of Bandung, Indonesia, Sundanese boys of about 6-8 years old are carried in a procession around the surrounding villages on the day before they are circumcised. The boys wear special clothes to indicate that they are ‘king for one day’ (*raja sapoé*) and they may sit on horseback or on lion-shaped seats carried by four men. The horses are trained to walk on the beat of the music (*kuda rénggong*). A car may also be used to seat the ‘king for one day’ in the procession. Although circumcision of the boys is done according to the Islamic tradition, some of the cultural references in the procession relate to Hindu rather than Islamic tradition: the lions refer to the Hindu king Siliwangi, for example.

The boys are accompanied by a performing dance troupe (*kuda lumping).* The dance troupe consists of a man with a (horse) mask (*bangbarongan*) and dancers on hobbyhorses, made of leather, who are often accompanied by clowns. The dancer on the hobbyhorse may go into a trance. The leader (*malim*) takes him out of his trance by blowing cigarette smoke in his face, massaging his neck or sprinkling water over his face. A small musical group or groups, playing a variety of instruments including drums, gongs and a shawm, accompany the dance troupe; some processions include a brass band (*tanjidor*). In 1990, one procession was observed in which the music group played on drums fitted on a bicycle, frame drums (*terbang*), gongs and an electric guitar with an amplification system.

There may be several dance and music troupes involved in the procession, and a procession does not always have the same composition of troupes. Wealthy families who are having their boys circumcised hire the troupes and also pay for the important ceremonial meal (*sidekah, selamatan*) afterwards. A few boys from poorer families may join the procession before their circumcision, and contribute to the cost by providing donations of labour or other services.

Suchtroupes have been around for many centuries in the region; they also play at weddings and other occasions. In Indonesia, most dancers and musicians in such troupes are part-time artists. There are a few genres in which artists can earn their living through traditional music performances (for example in Cianjuran music), but even in the more established genres most of the players are part-time artists. Performing artists such as those in the circumcision procession would probably be paid partly in money and partly in kind (mostly food).

The procession has accommodated new modes of transport, such as cars and bicycles, and new musical instruments over time. The circumcision procession does however face some threats to its viability. Local people say the frequency of the processions is decreasing. This decline, if a reality, may be linked to financial constraints. If there is no money to pay for performances, the troupes will not perform or rehearse. For example, during the monetary crisis that started around 1997-1998 in Indonesia, many music and dance troupes did not rehearse at all and that affected the transmission of their skill and knowledge. Some troupes just disappeared and the variety of performers and musical genres in the procession may have decreased. In some other performance genres, clowns and jokes have become more important than music or storytelling because of a growing lack of interest in the old stories and also to avoid clashes between the Hindu past and the Islamic present. This kind of trend may also have affected the circumcision procession.

To give the music and dance groups opportunities to maintain their skills, the community of Ujungberung has thus organized a yearly festival since 2005. The Bandung city government contributed 120 million Rupiah (about US$ 13,000) to the 2010 Festival, held from 24 to 27 June 2010. They also discussed the possibility of providing a building in Ujungberung where groups could rehearse these performing arts. The Bandung government expressed its wish that this festival would contribute to the economy and the tourist industry.[[26]](#footnote-26) Other measures that may be considered by the communities concerned include promoting the transmission of knowledge to younger generations, and establishing a simple audio-visual documentation centre to assist in this process.

### Slide 14. Income-generation possibilities

Much ICH would not continue to be viable if there were no direct or indirect remuneration for time and other investments in its practice and transmission. Increasingly, people wish to profit financially from ICH-related knowledge and skills through access to new commercial markets, often outside the community.

The Convention is in favour of sustainable development and the ODs indicate how income generation needs can be met without compromising the viability of the ICH.

Income generating possibilities in relation to ICH include:

* Tourism
* Using traditional knowledge for sustainably managing environmental resources for profit
* Using traditional knowledge for new purposes or designs and profiting through benefit-sharing agreements
* Integrating traditional healing and pharmacopoeia into the national health system and profiting through an expanded clientele
* Sale of handicraft products
* Performing ICH expressions for payment
* Festivals
* Competitions
* Business sponsorships

### Example: Festival of Pacific Arts (Oceania)

This example illustrates how festivals may contribute to their safeguarding by building awareness of ICH practices and also by expanding markets for associated performances, services and products.

Initiated in 1972 by the Conference of the South Pacific Commission, the Festival of Pacific Arts (FOPA) is hosted every four years by a different State in Oceania. The festival raises awareness about traditional Pacific culture, once denigrated and suppressed by missionaries in the region. In 2004, for instance, over 2,700 participants from 27 countries performed or sold services and products at the 9th festival which was held in Palau. The festival showcases traditional song and dance forms; traditional crafts such as weaving, carving, tattooing, storytelling and healing arts also feature alongside other cultural practices such as architecture, fashion and design, film making and contemporary visual and performance arts.

No entry fees are charged, thus increasing local access to this celebration of Pacific cultural practices. The festival is financed by the host country and local businesses, with the aim of boosting the local economy through tourism and the sale of crafts. At the ninth FOPA in Palau ‘each of the 16 States of Palau earned an average of US$20.000 in sales of food and craft.’[[27]](#footnote-27)

### Example: Promoting and safeguarding traditional crafts in Penang, Malaysia[[28]](#footnote-28)

This example shows how raising awareness about traditional crafts within a community triggered activities that improved the transmission of these skills to younger community members and raised the social status of and income opportunities enjoyed by practitioners.

The island of Penang’s rich architectural heritage, its beaches, its hills and its food have long been promoted to tourists, but the promotion and safeguarding of traditional crafts was usually neglected. In 2000, the Penang Heritage Trust conducted a survey of traditional artisans and traders to ensure they were not negatively affected by the repeal of rent control provisions. Alongside the audit, a heritage education programme was launched to introduce these traditional crafts to schoolchildren. Some of the children chose to attach themselves to traditional artisans in informal apprenticeships and also to document their work:

‘For the children it was an enriching experience, for the artisan trader, often aged, it was initially perplexing, even a little annoying (all these noisy children..), subsequently it was somewhat amusing (they’re so inept..) and eventually it was gratifying and pleasing (..they actually think my work is so important). The interpretations by the children such as the dances, plays, photographs, were viewed with admiration and a sense of wonderment that what they had been doing all their lives, was actually worthy of such interest.’[[29]](#footnote-29)

The next stage of the programme involved the children and the artisans in promoting traditional handicrafts to a wider market and in developing Heritage Trails to showcase their work. The Traditional Trades Trail has been one of the most popular and successful, both self-guided as well as with UNESCO Cultural Heritage Guides. The children documented processes, materials and modes of production and drew up flyers for distribution to cultural visitors. This was initially done with a very low budget, but the State tourism boards soon financed promotional brochures for distribution on a large scale.

The Living Heritage Treasures Awards of the Penang Heritage Trust were established to recognize the work of the artisans. Awardees, selected from public nominations, received publicity, public acclaim and honour, and financial assistance for the rest of their lives. Their skills, processes and artisan works are fully documented for posterity. One of the awardees, a traditional signboard carver, told news reporters a year after receiving the award that he had never previously felt so moved or so encouraged about pursuing his profession. His family, who had previously been dismissive of his work, were, for the first time, openly proud of him and the work that he had been doing all his life. At the same time, he now needed help in his workshop to meet the demand for new signboards.

These projects created greater public awareness of the value of traditional crafts, promoted transmission of these crafts to younger people and also helped to generate increased income for traditional artisans.

### Slide 15. Case study: Tourism and trade associated with Taquile weaving (Peru)

The case of Taquile weaving demonstrates the possibilities for income generation from tourism and trade in woven products. Problems experienced in maintaining community cohesion as more external tour companies became involved, and in equitably distributing within the community the benefits from these income-generating activities, suggest the importance of ensuring community control, as far as possible, over trade or tourism associated with ICH.

As one of three permanently inhabited islands on the Peruvian side of Lake Titicaca, Taquile is home to approximately 1,900 people and is roughly three hours by boat to Puno, the nearest city on the mainland. Until the 1950s the islanders led a relatively isolated existence and woven products were produced primarily for local use. In the late 1960s Taquileans began to sell them to outsiders, first in nearby Cuzco and then internationally. Tourism to the island of Taquile became more important as a local source of income in the 1970s. Tourism and the sale of textiles have thus generated income for local people, but they have also led to internal stratification within a previously fairly egalitarian community, and local control over these sources of income has diminished.

Weaving has been an everyday activity of men and women living on the island of Taquile for many generations. Produced using fourstake ground looms, the hand woven textiles are a defining characteristic of Taquilean culture. Taquile textiles include a distinctive knitted hat with an earflap *(chullo),* and a ‘calendar waistband’, a wide woven belt depicting the annual cycles connected to ritual and agricultural activities. Taquilean textiles are worn by all community members, regardless of age or gender; they indicate characteristics of the wearer, such as marital status or social position. While contemporary symbols and images are now also used in the textiles, the traditional manufacturing techniques and styles have been maintained. In 2005 UNESCO proclaimed ‘Taquile and its Textile Art’ a Masterpiece of Oral and Intangible Cultural Heritage. It was inscribed on the Representative List in 2008.

In 1968 a Peace Corps volunteer helped Taquileans to start selling their textiles at the Peace Corps-sponsored consignment store in Cuzco. When this store closed, Taquileans sought other markets for their goods, both in Cuzco and internationally. During the 1980s, they established the Manco Capac Cooperative to manage two community stores selling locally woven products. By 1997, there were 270 Taquilean cooperative members representing about three quarters of the population (each member represents at least one family). The cooperative shops set prices equitably, based on the quality of workmanship and the amount of labour, while retaining 5% of the monies earned for cooperative maintenance. Private sales to tourists were prohibited, although they did occur in some cases.[[30]](#footnote-30) This method of managing income from craft sales is in keeping with islander traditions of equality and collective decision-making. But although tourism contributes to the viability of the textile tradition, escalating external demand has contributed to ‘significant changes in material, production and meaning’.[[31]](#footnote-31)

Tourism has also become a source of significant income for Taquileans in recent years. Following the publication of a feature on Taquile in a popular travel guide book in 1976, tourism boomed on the island. Today the island receives approximately 40,000 visitors a year. After establishing a sailboat cooperative Taquileans gained a competitive advantage over mainland boat operators in the 1980s by acquiring a legal monopoly on control over docking sites on the island. When this monopoly right was removed in the 1990s, commercial tour agencies quickly took over the transport of tourists, made partnerships with individual Taquileans and introduced tour guides from outside the community. Some local people were exploited in the competitive market that ensued, while other members of the community (and outsiders) benefited, creating greater social stratification within the community.[[32]](#footnote-32) Although Taquilean tour operators and tour guides still found employment, this undermined existing community-based decision-making structures, intended to ensure that tourism benefits were spread reasonably equally among Taquileans.

Tourism and the sale of Taquile textiles have brought income and educational opportunities to Taquileans. This has reinforced pride in being Taquilean and raised awareness about Taquilean ICH more generally. It has helped to challenge the racism and discrimination often experienced by indigenous groups such as the Taquileans.[[33]](#footnote-33) New markets for Taquilean woven products have helped to sustain the traditional practice of weaving, although designs have also changed to respond to these new markets. Community-run cooperative enterprises have helped Taquileans retain control over the benefits generated by tourism and textile sales, although these cooperatives have not always withstood external competitive pressures. Where Taquileans have been unable to retain control over tourist transport and the sale of textile products, they have been unable to maximize community income or ensure equitable benefits to community members.

**Further information**

Taquile weaving, inscribed in 2008 on the Representative List: <http://www.unesco.org/culture/ich/index.php?pg=00011&RL=00166>

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### Slide 16. Risks

New income-generating possibilities may bring risks with them. One of the most significant impacts of listing on the World Heritage List has been a considerable increase in tourist visits to World Heritage Sites. In some cases this has benefited the local economy, in other cases it has mainly benefited large tourist companies located outside the country. Sometimes, increased visitor numbers have enabled better conservation and management of the site, but sometimes tourists have not been well managed and the significance of the site has been degraded.

The Convention is not against income generation relating to the practice and transmission of ICH. But the Operational Directives have expressed concern about the risks facing ICH elements from income generation pressures, whether or not they are inscribed on the Lists of the Convention.

The risks facing ICH from ill-advised income-generating activities are diverse. The challenge is to ensure that income-generating activities:

* Income generated benefits those who practise and transmit the ICH;
* The practice and the transmission of the ICH concerned remains compatible with sustainable development of the element itself, the communities concerned and the environment in which it is enacted and transmitted (Article 2.1);
* Threats to essential characteristics and the viability of the ICH concerned, are avoided, such as:
  + Freezing of the ICH (loss of variation, creation of canonical versions, and consequent loss of opportunities for creativity and change, see Article 2.1);
  + Loss of function and meaning of the ICH for the communities and groups concerned (Article 2.1);
  + Decontextualization of the ICH (isolation from its usual context, OD 102(a)); and
  + Misrepresentation of the ICH and communities (reworking or simplification of the meaning of the ICH for outsiders, representation of the communities concerned as ‘stuck in the past’, OD 102(b));
  + Misappropriation of the ICH (the State, tour operators, researchers, or other outsiders seeking benefit from use of or access to the ICH without prior informed consent of the communities concerned, OD 117);
  + Over-exploitation of natural resources (Article 2.1); and
  + Inequitable income distribution within the community (or between community members and outside partners) from benefits acquired through exploitation of communally-held ICH (OD 116, 117).

Some of these risks and possible mitigations are illustrated in the following case study:

### Slide 17. Case study: Commercialization of Traditional knowledge about *Hoodia Gordonii* as an appetite suppressant (South Africa and Namibia)

The Hoodia case study demonstrates the commercial potential of traditional knowledge and the economic possibilities for community development offered by benefit-sharing agreements. It also shows that research groups and pharmaceutical companies seeking to exploit traditional knowledge for commercial gain can be encouraged towards ethical practice through media pressure even where legal protection for community-held intellectual property rights is not yet in place. But, as this case study also shows, even where benefit-sharing agreements have been negotiated, communities will not necessarily benefit, financially or otherwise, from the commercialization of their traditional knowledge.

The hunger-appeasing properties of the *Hoodia Gordonii* plant were known to the San (Bushman) communities in southern Africa for many centuries, and were documented in botanical literature as early as the eighteenth century. After ten years of research, in the mid 1990s the Council for Scientific and Industrial Research (CSIR), a State-funded organization in South Africa, identified the pharmacologically active component of Hoodia, which they named P57, and filed several patents on it in South Africa and elsewhere. The CSIR then signed a worldwide licensing agreement for the development of Hoodia related products with a British company, Phytopharm plc.[[34]](#footnote-34) Phytopharm did further work on P57, and finally entered into an agreement with Unilever in 2004 to produce an appetite-suppressing drug based on Hoodia.

In undertaking this work, the CSIR failed to acknowledge or consult the San people whose traditional knowledge had led to the discovery of P57. In 2001 Richard Dixey, chief executive of Phytopharm, stated that ‘the people who discovered the plant had disappeared’.[[35]](#footnote-35) Biowatch, a South African NGO that had been monitoring this issue, was assisted by Action Aid (an international development charity) in bringing the story to the attention of the international media. The CSIR and Phytopharm, under mounting pressure about claims of bio-piracy, began negotiations with representatives of the San community. In 2002, following these negotiations, a Memorandum of Understanding (MOU) was reached between the CSIR and the South African San Council. The MOU recognized that the San were the bearers of the traditional knowledge on the human uses of Hoodia.

This MOU later played a central role in the formulation of a benefit-sharing agreement between the CSIR and the South African San Council in 2003. The terms of this agreement stated that the CSIR would pay the San eight per cent of all milestone payments from Phytopharm, as well as six per cent of all royalties that the CSIR received once the drug was commercially available. ‘Milestone payments are subject to agreed technical performance targets of P57 during its clinical development over the next three to four years, and royalties are based on sales which were not set to commence before 2008.’[[36]](#footnote-36)

San community representatives agreed that San structures should ‘actively strive to ensure that a clear majority of funds received should reach and benefit San communities’, with a maximum of 20% to be spent on organization and administration. The San Hoodia Benefit Sharing Trust was established to manage the funds from the CSIR agreement.

The publicity around the drug led to many copycat products that infringed the patent. It also led to unsustainable harvesting of the plant in the wild and the plant was inscribed in Appendix II of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES, 2004). In spite of CITES controls, plantations of Hoodia sprang up in other parts of the world. This led to a drop in the market for commercially produced Hoodia from southern Africa by 2009. The San were not involved in the commercial farming of Hoodia and there were few non-monetary benefits from the CSIR agreement, such as capacity building or seed funding for farming enterprises. In 2007 South African farmers growing *Hoodia* as a raw material for the herbal and dietary supplement market negotiated another benefit-sharing agreement with the San, based on a levy on exported *Hoodia*. However by 2009 no payments had been made because of problems calculating export figures for Hoodia.[[37]](#footnote-37)

In a further complication, Unilever withdrew from the Phytopharm licensing agreement in 2008, and abandoned plans to develop Hoodia as a functional food, citing concerns about safety and efficacy. By October 2010, therefore, the San had received only US$100,000 from their benefit-sharing agreement with the CSIR, a tenth of the projected profit. Their organizational structures have struggled to deal with even this modest financial benefit. Another indigenous group, the Nama, has claimed that they should also benefit from the commercialization of the indigenous knowledge about the Hoodia plant. There were also problems interfacing between the organizations and the various agreements they had drawn up around community benefits from Hoodia commercialization in South Africa and Namibia.[[38]](#footnote-38)

Rachel Wynberg, a researcher who helped raise the profile of the case in the international media, believes that bio-prospecting generates unrealistic expectations in communities. She suggests that bio-prospecting ‘is more likely to build scientific and technological capacity than it is to alleviate poverty or improve biodiversity conservation’.[[39]](#footnote-39)

San community members have mixed views on the benefits of the commercialization of their knowledge of the Hoodia plant as an appetite-suppressant. In interviews done with them a few years after the agreement was signed, many felt that they had not been properly informed about the benefits by their representatives on the San Hoodia Trust and other organizations.[[40]](#footnote-40) Most of the San community were prepared to commodify their knowledge, especially as they are a socially and economically marginalized community; but they also continue to value their medicinal plant knowledge for their own symbolic, supernatural and ritual reasons. To some extent, the commercialization of the plant has changed this meaning for them.

The San consider Hoodia to be one of their most important plants - a ‘life force’ giving food, water and energy, but also representative of ‘the old days when we could still go on hunting trips and collect food in the veld’ [on the open plains]. They feel that the power of the plant is linked to its natural habitat, something that is lost when it is cultivated commercially in containers. One community member said:

When you eat the Hoodia you can feel the supernatural powers coming from above. When you smell the Hoodia and taste it on your tongue you will feel how it stimulates you, how it controls your hunger, how it gives you power and energy […]. When you eat the Hoodia in the veld you can enjoy the powers of the plant. When I notice some symptoms of cancer, I eat the plant, I talk to the plant; the plant gives me new power and energy and in return I can give all the bad energy back to the plant; the plant knows how to deal with these bad energies. […] You cannot experience these powers and energies of the Hoodia in pills; we gave the power away for money. Everything what we had here is gone because we traded the supernatural powers for money ... The Hoodia enjoys life and that is how it gets its forces, you will never get these forces by cultivating the Hoodia.[[41]](#footnote-41)

The San thus find it difficult to understand how the pill can achieve the same effect as the wild plant, and believe that some other agents are added to it. They feel as though they have given away some of the meaning of the plant through the commodification process. Thus although they continue to use the plant themselves in the old ways, this pattern of use may be threatened over time. The commodification of the Hoodia is viewed by the San as another example in the historical process of marginalising their culture and way of life.[[42]](#footnote-42)

**Further information:**

Barnett, A. (2001) *Pharmaceutical firms stand accused of once again plundering native lore to make fortunes from natural remedies* The Observer (Sunday June 17th): <http://www.guardian.co.uk/world/2001/jun/17/internationaleducationnews.businessofresearch>

Hoodia Scam October 20, 2010: <http://hoodia-scam.com/2010/10/the-san-people-are-mentioned-in-hoodia-ads-who-are-they/>

Nutraceuticals World, September 2005: <http://www.phytotradeafrica.com/downloads/hoodia-article-sept-NW.pdf>

Secretariat on the convention of biological diversity: <http://www.cbd.int/doc/publications/cbd-ts-38-en.pdf> Access and Benefit Sharing in Practice, p.23.

Vermeylen, Saskia (2008) From life force to slimming aid : exploring views on the commodification of traditional medicinal knowledge. Applied Geography, 28 (3). pp. 224-235; http://eprints.lancs.ac.uk/28093/1/commodification\_of\_traditional\_knowledge.pdf

Wynberg (R.) & Chennells (R.), Green Diamonds of the South: An Overview of the San- Hoodia Case, in: Wynberg (R.) et al., (eds.), Indigenous Peoples, Consent and Benefit Sharing: Lessons from the San-Hoodia Case, Heidelberg, Springer Science+Business Media B.V. 2009,Springer, 2009, pp. 89-124.

Wynberg (R.) et al., (eds.), Indigenous Peoples, Consent and Benefit Sharing: Lessons from the San-Hoodia Case, Heidelberg, Springer Science+Business Media B.V. 2009.

Wynberg, R. (2010) *Hot Air over Hoodia* – Grain.org Seedling Publication October 2010 - <http://www.grain.org/seedling/?id=704>

Wynberg (R.), Rhetoric, realism and benefit sharing: use of traditional knowledge of Hoodia species in the development of an appetite suppressant. *The Journal of World Intellectual Property, 7* (6),2004, pp. 851–876. <http://www.biowatch.org.za/pubs/wjip.html>

WIPO – Hoodia Plant Case Study: <http://www.wipo.int/export/sites/www/academy/en/ipacademies/educational_materials/cs1_hoodia.pdf>

### Slide 18. Warning

The Operational Directives discuss the importance of helping to mitigate risks to the viability of ICH, particularly with regard to awareness raising (covered in session 5.5) and commercialization.

OD 102 urges States Parties to ensure that awareness-raising activities will not threaten the viability of ICH through over-commercialization or unsustainable tourism.

An example of unsustainable tourism might be a situation in which tour companies or community members allow too many tourists to visit a sacred site on community-owned land, damaging the environment and making it unsuitable for the ritual activities that used to be performed there. Raising awareness about an ICH form may increase tourist audiences for songs, festivals and dances, for instance, to such an extent that community members may lose interest in participating. This may eventually lead to the staging of truncated performances for tourists for financial gain alone, outside of the usual community context. If these performances are the only ones that continue to be offered, the element would be deprived of its former meaning and function within the community and would no longer meet the definition of ICH in the Convention’s Article 2.1.

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| OD 102. | All parties are encouraged to take particular care to ensure that awareness-raising actions will not:  ...  (e) lead to over-commercialization or to unsustainable tourism that may put at risk the intangible cultural heritage concerned. |

### Slide 19. Be Careful

Commercial activity can threaten the viability of ICH (OD 116) as well as promote it, as the examples above have demonstrated. If, for example, a carving tradition becomes commercialized and the products are created purely for sale to tourists and the export market, the ICH associated with the carving tradition may be lost. The carved forms may lose any meaning to the community as they are adapted to tourist demands. Fixed production lines may lead to the ‘freezing’ of designs, and competing with cheap imported imitations may affect the quality of local carvings reaching the market.

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| OD 116. | Commercial activities ... and trade should not ... threaten the viability of the intangible cultural heritage... |

### Slide 20. Warning

Finally, the ODs warn against ‘commercial misappropriation’, inequitable relationships between communities and their commercial partners, and ‘distort[ing] the meaning and purpose of the intangible cultural heritage for the community concerned’.

Where there is theft of intellectual property and profiteering by commercial interests at the expense of ICH practitioners and the communities concerned, the benefits from commercialization do not assist in safeguarding the ICH, and may in fact threaten the practice and transmission of it.

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| OD 117. | Particular attention should be paid to avoiding commercial misappropriation, to managing tourism in a sustainable way, to finding a proper balance between the interests of the commercial party, the public administration and the cultural practitioners, and to ensuring that the commercial use does not distort the meaning and purpose of the intangible cultural heritage for the community concerned. |

### Slide 21. Mitigating risks

If risks to the viability of ICH are not mitigated, the ICH might cease to be practised as living heritage although performances or products may continue to be produced for tourists or other outsiders purely for commercial reasons. If the communities concerned wish this to be the case that is their choice, and then the element would no longer be regarded as ICH in terms of the Convention. In some cases, where an element can no longer be revitalized as part of the living heritage of a group, the choice may be between continuing an ICH practice as a purely commercial venture, or letting it die completely.

To mitigate against risks to viability that may occur when implementing safeguarding measures, the Convention and the Operational Directives insist, inter alia, on:

* Community participation and consent (Article 11(b), 15, OD 1, 2, 7, 12, 79-80, 88 101, 157, and 162);
* Capacity building, including ‘training communities, groups or individuals in the management of small businesses dealing with intangible cultural heritage’ (OD 82, 107, 155);
* Consultative mechanisms that include NGOs, experts and centres of expertise (OD 80) who can help to predict or identify problems;
* Risk assessment, monitoring and evaluation (OD 116); and
* Legal frameworks and codes of ethics for safeguarding ICH and raising awareness (OD 103, 105, 107), including ‘ensuring the rights of communities, groups and individuals concerned are duly protected when raising awareness about their heritage or engaging in commercial activities’ (OD 104).

As the Convention and its ODs imply, the ideal scenario is one in which:

* ICH is safeguarded without ‘freezing’ or misrepresentation (OD 102);
* Communities concerned are the primary beneficiaries of any commercial activities (OD 116);
* The interests of ICH practitioners, the public administration and the commercial sector are properly balanced (OD 117); and
* Commercial activity or awareness raising supports rather than distorts the meaning and purpose of the intangible cultural heritage for the community concerned (OD 102, OD 117)

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| OD 116. | Commercial activities that can emerge from certain forms of intangible cultural heritage and trade in cultural goods and services related to intangible cultural heritage can raise awareness about the importance of such heritage and generate income for its practitioners. They can contribute to improving the living standards of the communities that bear and practice the heritage, enhance the local economy, and contribute to social cohesion. |

#### Examples of mitigations

* Putting on specially-adapted performances for outsiders, such as those at festivals or theatres, in parallel with traditional performances within the community;
* Limiting numbers of outsiders permitted to visit areas where secret or sacred forms of ICH are practised, and/or limiting access to documentation about it;
* Training community guides to explain to outsiders about the meaning of the ICH they will be confronted with and how to interact with it; and
* Discussing within the community concerned what constitutes acceptable use of ICH elements for commercial purposes, and what does not – and trying to keep collectively to agreements reached (if they are reached, that is).

### Slide 22. Protecting Intellectual property rights

The [Convention](http://www.unesco.org/culture/ich/index.php?lg=en&pg=0006) focuses on safeguarding the intangible cultural heritage – that is on ensuring its viability - rather than on legally protecting specific manifestations of ICH through intellectual property rights, which at the international level falls within the field of competence of the World Intellectual Property Organization (WIPO).

Intellectual property (IP), very broadly, means the legal rights that result from intellectual activity in the industrial, scientific, literary and artistic fields. For example, if you write a novel, you are entitled to receive royalties from the publication and sale of that novel, or from it being turned into a film. Countries have laws to protect intellectual property for two main reasons:

* To protect the moral and economic rights of creators in their creations (i.e. to allow you to be acknowledged and rewarded as the author of your novel) and the rights of the public in access to those creations.
* To promote creativity and the dissemination and application of its results (e.g. if you will be rewarded from writing a book, you may be more likely to do so; sharing knowledge is beneficial to society) and to encourage fair trading which would contribute to economic and social development (i.e. making sure that the rewards of writing the book go at least partly to the author).[[43]](#footnote-43)

Where commodification is associated with ICH practices, ‘the focus of attention should be on the empowerment of those who want to use their traditional knowledge and resources to improve their livelihood. Empowering communities in this way may mean recognizing that for them, IKS [indigenous knowledge systems] may have not just commercial value but also cultural and symbolic value.’[[44]](#footnote-44) The importance of doing so has been illustrated by the Hoodia example.

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| OD 104. | States Parties shall endeavour to ensure, in particular through the application of intellectual property rights, privacy rights and any other appropriate form of legal protection, that the rights of the communities, groups and individuals that create, bear and transmit their intangible cultural heritage are duly protected when raising awareness about their heritage or engaging in commercial activities. |
| OD 116. | Commercial activities ... and trade should not ... threaten the viability of the intangible cultural heritage, and all appropriate measures should be taken to ensure that the communities concerned are their primary beneficiaries. Particular attention should be given to the way such activities might affect the nature and viability of the intangible cultural heritage, in particular the intangible cultural heritage manifested in the domains of rituals, social practices or knowledge about nature and the universe. |

The following case studies give examples of community-based initiatives to promote ICH safeguarding and sustainable economic development.

### Slide 23. Case study: Sustainable Community-based tourism raises awareness about local ICH: the Runa Tupari initiative (Ecuador)

‘*Runa* *Tupari* Native Travel’ is a sustainable community tourism project run by farmers in Ecuador (*Runa* *Tupari* means ‘meeting the indigenous people’ or ‘meeting the Indians’).[[45]](#footnote-45)

The project is an initiative of the Union of Peasant and Indigenous Organizations of the Cotacachi Canton (UNORCAC: Unión de Organizaciones Campesinas Indígenas de Cotacachi)[[46]](#footnote-46) in Ecuador. UNORCAC was founded in 2001 by members of a number of rural communities in the canton, and aims to improve their socio-political standing and address their basic needs (education, health, infrastructure, food). UNORCAC won the Equator Prize in 2008 for its outstanding community-based efforts to reduce poverty through the conservation of biodiversity.[[47]](#footnote-47)

Runa Tupari works with rural families in the Morochos, Santa Bárbara, La Calera and Tunibamba communities in the Cotacachi canton. The project received financial assistance from Dutch NGO Agriterra[[48]](#footnote-48) in its initial two-year period (2001 - 2003), but soon became self-sustainable. *Runa Tupari* offers home-stay accommodation with small-scale local farmers, who provide food and lodging for visiting tourists. Local farmers and landowners constructed guesthouses for this purpose using traditional materials and methods, reinforcing traditional building practices. The farmers teach visitors about the traditional lifestyle of the Indian family, including the tending of the domestic garden and food preparation. *Runa Tupari* also offers tours of the region, and showcases the ICH of local communities. One tour, the ‘Indian Village tour and Cuicocha Lake’, shows visitors the traditional ways in which local communities make mats from the *totora* plant, Andean musical instruments, and ponchos. Local people are employed at the travel agency and about 25 of them have been trained in tour guiding, basic ethno-botany, bird watching and English. The Ministry of Tourism licenses tour guides.

The project has been successful, and visitor numbers have shown strong growth. The project has faced some challenges: the tourist trade is highly seasonal and some tourists make impractical demands on home-stay hosts. The project also faces problems of additional waste management associated with the home-stay lodges.Nevertheless, tourism brings much needed employment to the local community, providing income for farmers and their families. The project develops local business expertise and provides training in other valuable skills such as tour guiding.

Such projects do not only contribute to socio-economic development and the development of new skills within the community. Such projects also contribute to the safeguarding of their ICH: promoting traditional skills (such as lodge building), and fostering renewed understanding, awareness and appreciation of their ICH, both within the community and among visitors.

**Further information**

Agriterra - <http://www.agriterra.org/en/text/about-agriterra>

Agriterra – *Solutions: Our Cycle of Co-operation* - <http://www.agriterra.org/assets/uploads/15068/solutions_agriterra_en.pdf>

Runa Tupari Native Travel - [www.runatupari.com/](http://www.runatupari.com/)

UNORCAC homepage - <http://unorcac.nativeweb.org/>

### Slide 24. Case study: New markets revitalize the production of traditionally-made Ugandan bark cloth

Bark cloth, traditionally made from the bark of a rare species of fig tree known locally as *Mutuba*, has been produced since the 13th century by the Buganda people of what is now southern Uganda, and also in the kingdoms of Bunyoro, Busoga and Tooro.

The bark is sustainably harvested in strips from the *Mutuba* trees, pounded flat with special mallets, stretched and then dried in the sun. Trees are protected after the harvest using a banana leaf wrapping applied to the trunk. From a 1.5 m2 piece of bark, a 3-4m2 bark cloth sheet can be obtained. Bark cloth has traditionally been used in a wide range of household contexts, as curtains, bedding and mosquito netting. It was also a medium of exchange, given by peasants as payment to local chiefs. Bark cloth is still widely used for clothing, worn in a sarong style by both men and women, and on special occasions such as burial ceremonies and the coronation of kings. In the latter case the bark cloth is dyed to highlight the higher social status of the king.

The introduction of cotton cloth to Uganda by Arab traders in the nineteenth century and growing urbanization in Uganda during the twentieth century led to a reduction in the use of bark cloth. Producers of bark cloth in Uganda have a low social status, although theirs is highly specialized work. Bark cloth making was thus devalued, and not considered an attractive career option by young Ugandans. However, recent decades have seen a revival in the use of the cloth and its local status was boosted by international recognition.

In 2005 UNESCO proclaimed the tradition of bark cloth making as a Masterpiece of the Oral and Intangible Heritage of Humanity. In December 2007, a two year pilot project was launched to revitalize and safeguard the practice of bark cloth making in Uganda, within the framework of the UNESCO/Japan Funds-In-Trust for the ‘Preservation and Promotion of the intangible Cultural Heritage’.[[49]](#footnote-49)

Some of the safeguarding activities implemented as part of this project were:

* Documenting the suitable types of *Mutuba* trees and their use;
* Planting *Mutuba* trees to ensure the availability of raw materials in the future;
* Training young people in the production of bark cloth;
* Developing a museum visitor programme, particularly for schools;
* Exploring possibilities for obtaining legal protections such as a trademark for bark cloth;
* Encouraging the use of bark cloth in craft production;
* Establishing a certification process in the national vocational education system to recognize the skills of bark cloth making; and
* Informing the general public about bark cloth making through radio programmes, a museum exhibition and a brochure.

The project successfully planted a number of *Mutuba* trees, although some were damaged by drought. A museum visitor programme was created, thus raising awareness of the importance of the ICH element. More young people were trained in bark cloth making and it was incorporated into the vocational curriculum. The project, however, did not lead to a large-scale sustainable revitalization of the tradition in the area concerned. One of the problems was that *Mutuba* trees were slow to generate income from bark cloth making, compared to other cash crops. Also, since bark cloth has been traditionally linked to death, new products made from bark cloth are still difficult to sell in Uganda.

In a separate initiative, a Ugandan design company, Royal Bark Cloth Designs (RBCD), founded by Sara Katebalirwe, has now used bark cloth in contemporary designs. RBCD has partnered with a Dutch design firm to make and market a range of bark cloth products including handbags, cushion covers and laptop sleeves. RBCD strengthens the bark cloth in innovative ways to make a stronger fabric. Products are designed for the export market and also sold as corporate gifts in Uganda. RBCD employs approximately 60 artisans, many of whom are single mothers. It generates income for local producers and designers as well as for local farmers who produce the bark cloth.

Because of this business initiative Ms Katebalirwe was a finalist in the Cartier Women’s Initiative 2010, a business award for projects characterized by creativity and social impact. Katebalirwe is also lobbying the Ugandan government to promulgate geographical indications legislation and certify Ugandan bark cloth.[[50]](#footnote-50)

RBCD products can create broader international awareness of traditional skills and knowledge used in bark cloth making while contributing to innovation in the use of traditional materials. The business also provides sustainable income for local farmers, cloth manufacturers, designers and craftspeople.

The marketing of Ugandan bark cloth encourages the transmission of the knowledge and skills for traditional bark cloth manufacture within the communities concerned.

**Further information**

Sara Katebalirwe, ‘Bark Cloth From Uganda as a Potential GI Product’, ACP-EU Seminar Cape Town, 10th-11th May 2010: <http://tradecomacpeu.com/resources/files/42/bark-cloth-from-uganda.pdf>

UNESCO, Uganda National Commission to UNESCO – *Revitalisation of Bark Cloth Making in Uganda:* [*http://www.google.ie/url?sa=t&source=web&cd=7&ved=0CE0QFjAG&url=http%3A%2F%2Fwww.unesco-uganda.ug%2Findex.php%3Foption%3Dcom\_docman%26task%3Ddoc\_download%26gid%3D14%26Itemid%3D73&rct=j&q=unesco%20barkcloth&ei=NIT\_TK7hKMWwhQeXzp3RCw&usg=AFQjCNEG7PStLKZWR9W4jHlkn6zSQz\_h5g&sig2=s-T\_Uyi7euGPj-ueFeO04Q*](http://www.google.ie/url?sa=t&source=web&cd=7&ved=0CE0QFjAG&url=http%3A%2F%2Fwww.unesco-uganda.ug%2Findex.php%3Foption%3Dcom_docman%26task%3Ddoc_download%26gid%3D14%26Itemid%3D73&rct=j&q=unesco%20barkcloth&ei=NIT_TK7hKMWwhQeXzp3RCw&usg=AFQjCNEG7PStLKZWR9W4jHlkn6zSQz_h5g&sig2=s-T_Uyi7euGPj-ueFeO04Q)

UNESCO: <http://www.unesco.org/archives/multimedia/index.php?s=films_details&id_page=33&id_film=641>

Cartier Woman’s Initiative awards Website: <http://www.cartierwomensinitiative.com/site/modulefinaliste/detail/Sara-Katebalirwe/128.html>

Watatu Online Store - <http://www.watatu.se/information.php?info_id=34>

# IMP 5.10 Lesson plan: Good safeguarding practices

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| **Title of activity: Implementing the Convention 5.10 –** **Good safeguarding practices** |
| Duration: 3 hours |
| Objective(s):  Illustrate using case studies what characterizes good safeguarding practices:   * Community involvement and consent * Involvement of other relevant players * Enabling legal / institutional environment * Focus on continued practice and transmission * Identifying viability, threats and risks * Multiple strategies aimed at addressing threats * Monitoring and evaluation |
| Description:  IMP Presentation 5.10   * Safeguarding defined and discussed (revision) * Different kinds of safeguarding measures * Linking safeguarding to threats: * Safeguarding plans * Case studies:   + Ahayu:da (USA)   + Voladores (Mexico)   + Batik (Indonesia)   + Anu Raud’s school (Estonia)   + The Gamaba system (the Philippines)   + Sanbasomawashi (Japan)   + Qiang New Year festival (China)   + Mongol Biyelgee (Mongolia) |
| Supporting documents:   * IMP Presentation 5.10 plus narrative * Hand-out 5.10.1 – Examples of safeguarding measures * Hand-out 5.10.2 – Voladores safeguarding measures |

**Notes and suggestions:**

In this session, the Voladores case study is used as an anchor case study to illustrate the concept of safeguarding measures addressing risks. The facilitator can choose some of the examples given in the Hand-out 5.10.1, or some of the case studies at the end of this session, for participants to discuss in class. The facilitator will need to select from them, or develop other case studies, to illustrate key points. Participants could be asked, for example, to develop a written safeguarding plan for the Batik case study, using the table format from the Fonabal case study. Some sample questions have been included in the Qiang New Year festival (China) and Mongol Biyelgee (Mongolia) case studies to guide discussion (perhaps in small groups).

# IMP 5.10 Presentation: Good safeguarding practices

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# IMP 5.10 Narrative: Good safeguarding practices

### Slide 1. Title

### Slide 2. In this presentation

* Safeguarding defined and discussed
* Kinds of safeguarding measures
* Addressing threats and risks to viability
* Safeguarding plans
* Examples of good safeguarding measures.

### Slide 3. The convention for safeguarding

Safeguarding, or taking “measures aimed at ensuring the viability of the ICH”, is the main goal of the Intangible Heritage Convention, as already indicated by its very name. Various provisions of the Convention are in line with that main focus:

* States Parties have as their first obligation to ‘take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in [their] territory’ (Article 11(a));
* Article 18 of the Convention calls for the nomination, selection and dissemination of best safeguarding practices (see OD 3 to 7 and 42 to 46);
* The Convention features a special List for ICH in need of urgent safeguarding: the USL (Article 17); and
* The first purpose of international assistance (Article 20) is the safeguarding of heritage inscribed on the USL; elements inscribed on this List are prioritized for funding (OD 9(a)).

### Slide 4. Safeguarding defined

Safeguarding is one of the few concepts that are explicitly defined in the Convention:

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| Article 2.3: ‘*Safeguarding’ means measures aimed at ensuring the viability of the ICH, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.* |

The viability of ICH is often understood as its potential to be enacted, developed and transmitted now and in the future, and to remain significant to the community, group or individuals concerned.

Safeguarding measures for specific ICH elements are different from the normal practice and transmission of an element: they are new kinds of interventions deliberately designed to address threats and risks to the continued practice and transmission of an element. They can be implemented by community members or by others, with community consent.

### Slide 5. ‘The necessary measures’: Do States need to safeguard all threatened ICH elements?

In most States there is a considerable quantity and variety of ICH, and a majority of these ICH elements are probably endangered. Not all ICH should – or indeed can – be safeguarded, or revitalized. If the community or group concerned no longer considers certain elements of ICH relevant or meaningful, they can hardly be safeguarded in the sense of the Convention. At best, then, ICH practices that are disappearing may be recorded, before they cease to be enacted at all. Without strong motivation and commitment on the part of practitioners and other tradition bearers, safeguarding actions will fail. And, when funds are limited, choices will have to be made.

No-one – including States Parties – can be asked to attempt the impossible. Under the Convention, although States Parties have to take ‘the necessary measures to safeguard the ICH present in [their] territory’, this cannot be construed to mean that the State Party should contribute to the development and execution of safeguarding plans for all endangered elements of ICH in its territory.

In the first place, the Convention encourages States to take general measures (of a legislative, administrative, financial and awareness-raising nature) to create or improve the conditions under which the ICH present in their territory can remain viable and – if that is the wish of the communities concerned - be better safeguarded. In some cases, States Parties are encouraged to assist communities and other agencies in safeguarding threatened ICH.

The Convention thus foresees both general and specific safeguarding measures to be undertaken at the national and local level. General measures aim at creating or reinforcing the general conditions under which the ICH present in the territories of the States Parties may thrive; specific measures relate to the safeguarding of specific elements of ICH, or related sets of elements thereof.

### Slide 6. General measures for safeguarding ICH

By ratifying the Convention, States Parties accept the obligation to take ‘the necessary measures’ to ensure the safeguarding of the ICH present in their territory (Article 11(a)). Articles 11(b) through 15 of the Convention give clear indications of how a State Party may create or reinforce the general conditions under which communities, groups and individuals may continue to enact and transmit – sustainably – their ICH. The provisions in these articles may be summarized as follows:

**Each State Party shall:**

Article 11(b) identify and define the ICH present in its territory; and

Article 12 draw up one or more inventories of the ICH present in its territory.

**Each State Party shall endeavour to:**

Article 13 adopt general policies; designate or establish one or more competent bodies for the safeguarding of the ICH; foster studies (‘with a view to effective safeguarding of the ICH’), adopt appropriate legal, technical, administrative and financial measures;

Article 14 ensure recognition of, respect for and enhancement of the ICH in society; and

Article 15 ensure the participation of communities in safeguarding activities and involve them in the management of their ICH.

These provisions, in fact, aim at the realization of such objectives of the Convention at the national level, as – see Article 1 - (a) safeguarding the ICH, (b) ensuring respect for the ICH of the communities, groups and individuals concerned, and (c) raising awareness of the importance of the ICH in general and ensuring appreciation for the ICH of others. As a rule, States Parties will try to realize these objectives through different combinations of roleplayers, including ministerial agencies, NGOs, research and documentation institutions, individual experts and – where appropriate – the media and school programmes and with the participation and/or consent of communities concerned.

Many of these general measures are discussed elsewhere in this workshop. Awareness raising was discussed in detail in session 5.5, inventorying was discussed in 5.6, the participation of communities concerned in safeguarding was discussed in session 5.7 and legal and institutional frameworks supporting safeguarding will be discussed in detail in session 5.13. In this session, we will focus mainly on specific measures for safeguarding elements of ICH.

### Slide 7. Specific measures for safeguarding ICH elements

Specific safeguarding measures seek to ensure the continued viability of a specific ICH element, or of a specific set of elements, when normal practice and transmission of an element is under threat in some way and requires some support or encouragement. Some kinds of safeguarding measures that could be applied to specific elements were elaborated in Article 2.3, mentioned above:

*identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, and revitalization*

The meaning of these terms was discussed in session 5.3, but it should be noted that this list is non-exhaustive. Participants should be invited to review the Key Concepts Hand-out where the terms are discussed in detail (Hand-out 5.3).

In the context of safeguarding under the Convention, however, the classification of specific measures (as ‘research’, ‘documentation’, ‘revitalization’ and so on) is less important than the tailoring of these activities to address threats posed to the viability of the elements concerned.

### Slide 8. Examples of safeguarding measures

In drafting safeguarding measures, some inspiration may be sought from experiences of other States Parties, for example through the recently initiated Register of Best Practices and through the website of the Convention, where one finds proposals for safeguarding measures in all nomination files that were submitted for each of the elements that were inscribed on the USL.

Hand-out 5.10.1 (Examples of safeguarding measures) details a number of measures used for safeguarding elements in the following broad categories:

General measures:

* Identifying and inventorying the ICH
* Creating an enabling legal and administrative environment for safeguarding
* Raising awareness about the value of ICH

Specific measures:

* Identifying and defining specific ICH elements
* Supporting continued enactment and transmission of specific ICH elements

### Slide 9. Safeguarding of vibrant ICH elements

Specific safeguarding measures are not necessary when normal practice and transmission sustains an ICH element over time. Under these circumstances, the ICH does not face any specific threats or risks to its viability. Encouraging normal practice and transmission of ICH in such cases just involves not interfering - allowing communities concerned to continue practising their ICH - and perhaps maintaining a supportive environment through, for example, the provision of an enabling legislative and administrative context (see session 5.13) and awareness raising (see session 5.5). In such cases general safeguarding measures are more appropriate than specific ones. The capacities of communities to manage their ICH may however be reinforced (if they so wish), and a thriving element may be used for awareness raising about that specific element, the community concerned and/or the ICH in general.

### Slide 10: Safeguarding vs. conservation: the *Ahayu:da*, the Zuni War Gods (USA) Case study

Safeguarding means ensuring the viability of the ICH, i.e. ensuring continued enactment and transmission by people (Article 2.3). Safeguarding measures for ICH differ from measures required for the protection and conservation of tangible heritage although measures to conserve products or places associated with ICH might in some cases be part of a safeguarding plan for a practice, for instance a ritual. However, as this case study indicates, in some cases movable heritage objects associated with ICH practices should neither be protected or conserved, nor be placed in a museum, as their presence and natural decay is required for associated ICH practices. The opinion and consent of the community concerned thus has to be sought for actions concerning (heritage) objects associated with ICH practices as well as for the safeguarding of those practices themselves.

*Ahayu:da,* the war gods of the Zuni people of the south-western United States, are carved wooden figures, usually two or three feet tall. They are believed to protect the Zuni community and ensure the prosperity of all people; in order to do this they should be exposed to the elements and allowed to gradually decompose over time. When, beginning in the late nineteenth century, some of these carvings were removed and placed in museum collections or sold on the open market, their ritual function was disrupted. When museum exhibitions in the 1970s made the Zuni aware that many *Ahayu:da* had been removed, coupled with internal leadership changes and greater external willingness to hear their concerns, the Zuni began a campaign for the return of the carvings. As a result, 69 of their carvings were repatriated between 1978 and 1992.

The twin gods represented by the *Ahayu:da* carvings are created each year at the winter solstice as part of the *Shalako* blessing ceremony. The younger twin, *Ma'a'sewi,* is created by the Bear clan and the older twin, *Uyuyewi*, is created by the Deer clan. The carvings feature an abstract face, body and hands and are surrounded by feathers, prayer sticks and other offerings at the base of the body. *Ahayu:da* are linked to the initiation of new bow priests, a powerful political and religious group within the Zuni community.

*Ahayu:da* are kept in open air sacred shrines on the mesas surrounding the Zuni Pueblo tended by bow priests. The shrines are not accessible to uninitiated people. When new figures are added each year the earlier carvings must remain. The exposure of the older *Ahayu:da* carvings to the elements, and their eventual decomposition, strengthens the new *Ahayu:da*. Thus, the appropriate treatment for these ritual objects is not conservation of the fabric, but leaving them to decay naturally in open shrines.

Since the first Smithsonian Institution expedition to the Zuni Pueblo in 1879, which collected many ethnographic items including *Ahayu:da*, a number of these carvings were purchased or stolen from the shrines and placed in museums or private collections. Due to the rarity of these carvings, *Ahayu:da* fetched thousands of dollars on the open market by the late twentieth century.

By 1978, religious leaders within the Zuni community began a concerted campaign to repatriate all *Ahayu:da* to shrines in the Zuni Pueblo. They felt that the removal of the *Ahayu:da* was the reason for the suffering in the world at the time, and wished to set things to rights.

Some of the repatriation negotiations took longer than others: the Denver Art Museum returned the carvings they had within two years, but negotiations with the Smithsonian lasted over nine years. Repatriation was facilitated by the recognition in federal law that *Ahayu:da* in museum or private collections were communally-owned tribal religious objects thatcannot be removed from the shrines where they are placed. Some institutions were concerned about setting legal precedents for the repatriation of objects in their collections, or breaking up a large collection by losing key items, others were focused on ensuring the professional conservation of the carvings, at least until such time as a museum could be established on the Zuni Pueblo. There was also concern, common to Zuni and museum staff, that repatriated carvings could be stolen again from unprotected shrines. Security measures were thus put in place and the carvings at all Zuni shrines were documented to prevent further thefts.

Some of the *Ahayu:da* masks acquired by the Smithsonian were copies that had never been used as part of the *Shalako* ceremony. They had been specifically made by Zuni for the anthropologist Matilda Coxe Stevenson to take back to the Smithsonian. During repatriation negotiations in the 1970s and 1980s the Smithsonian expressed the opinion that these carvings in their collection were legally-obtained copies. But Zuni leaders felt that *Ahayu:da* copies were of similar ritual significance to the real carvings and should also not be displayed in exhibitions. They thus sought the repatriation of all *Ahayu:da* and some other items of current religious significance. They were happy for other religious artefacts that were no longer commonly used by the Zuni to remain at the Smithsonian. Both sides agreed that the collection required curation that took account of Zuni cultural sensitivities. For the Zuni, for example, keeping decorated masks in museums trapped the spirit of the dance performance in the mask and the person who originally owned the mask was therefore left without a passport to enter the afterworld.

By 1992 the Zuni had successfully negotiated the return of 69 *Ahayu:da*: 54 from museums, 10 from private collections, 3 from private art galleries, and 2 from public auctions. The Native American Graves Protection and Repatriation Act (NAGPRA), passed in 1990, facilitated further repatriations. The Zuni were thus able to restore the carvings to shrines and allow them continue their gradual decay, restoring their ritual function and meaning.

**Further information**

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Greg Johnson, ‘Tradition, Authority and the Native American Graves Protection and Repatriation Act’, Religion, 32 (4), October 2002: 355-381.

Peter K*.* Yu, 2008. *Cultural Relics, Intellectual Property and Intangible Heritage.* Temple Law Review, Vol. 81, 2008.

### Slide 11. Addressing threats and risks

Safeguarding measures are activities designed to address threats and risks to the viability of ICH elements. They may be developed for any ICH elements that face threats to their viability, but they have to be developed for elements nominated to the Lists of the Convention (see OD 1 and 2).

Various kinds of threats and risks may threaten the viability of ICH, such as:

* Threats to traditional systems of transmission (changing ways of life; loss of interest by young people in learning or practising the ICH; lack of demand for the products produced through the ICH practice).
* Negative attitudes (intolerance, misunderstanding) towards the ICH of a community, or one or more elements thereof – among authorities, the general public, other communities, or in the community concerned;
* Threats to the living character of the ICH (staging, freezing, over-commercialization);
* Unavailability of specific materials, spaces or opportunities necessary for the practice of the ICH (deforestation, migration, social change, repression).

### Slide 12. The Voladores ceremony

This element was inscribed on the Representative List in 2009.

The Ritual Ceremony of the Voladores (‘flying people’), originating in pre-colonial times, was once practised by various Mesoamerican communities and groups over a wide area in Middle America. Today its practice is mainly restricted to the Totonac in Mexico. If the full traditional ritual is performed, in preparation for the ceremony itself a tree is cut down, transported, ritually prepared and erected in a central area. Preparatory rituals, including offerings to Mother Earth, are performed to help establish connections between the natural and supernatural world. Those who will participate in the ceremony undergo physical and spiritual preparation. During the ceremony, five men climb the pole, which is 18 to 38 meters high. While one of them dances at the top playing the flute and drum, the others swing from the pole on ropes, turning around the pole and mimicking flight. Although there are many variations to the ceremony, it was, and often still is, in essence, a ritual to establish communion with the gods and ensure the fertility of the earth. Itis held during various celebrations and festivities, such as patron saint festivities, carnivals, solstices and equinoxes, festivities surrounding the Day of the Dead, and in ceremonies associated with the sowing and harvesting of crops.

The element is a vibrant one, but like much ICH faces various threats. It is currently threatened by, among other things:

* One part of the ceremony being performed only (for tourists),
* Declining availability of trees for wooden poles, and
* Loss of the ritual and spiritual dimensions of the ceremony

More information about the element can be found in the Hand-out (5.10.2) and the nomination file, and on Wikipedia:

<http://www.unesco.org/culture/ich/index.php?pg=00011&RL=00175>

<http://en.wikipedia.org/wiki/Danza_de_los_Voladores_de_Papantla>

### Slide 13. Threats to viability – 1

The flight of the Voladores around the pole is the climax of the ceremony and in performances for tourists only this part of the ceremony is enacted, as an acrobatic spectacle. The ceremony is thus now often shortened, and presented outside the traditional community setting and calendar.

### Slide 14. Threats to viability – 2

Poles for the ceremony need to be cut down in the forest and ritually prepared and erected in order to establish communion with the gods and ensure the fertility of the earth. Unfortunately, due to deforestation the special tree that was formerly used for the poles is often not widely available and fixed metal poles are used instead. This results in loss of some of the ritual dimensions of the ceremony, and affects its significance to the local community.

### Slide 15. Threats to viability – 3

Ritual preparations before the ceremony ensure it has deeper spiritual associations for the community concerned, creating connections between the natural and supernatural world so the participants may establish communion with the gods and ensure the fertility of the earth. Because the ceremony is becoming commercialized, the observance of these rituals is decreasing, especially among groups of professional ‘flyers’ who have not undergone the proper training as Voladores.

### Slide 16. Voladores safeguarding measures

As in any good safeguarding strategy, the Totonac communities and Voladores groups concerned have played an important role in formulating and implementing safeguarding measures to address these threats. Meetings of Voladores have been convened with the help of local government and NGOs so that they can discuss these problems and formulate on-going strategies to resolve them. The Voladores groups were very clear about the need for creating more opportunities to perform the entire ceremony, including the necessary ritual preparations. Schools for Volador Children have been established to teach the full significance of the ritual, and promote transmission of knowledge within the Voladores groups. To ensure the availability of wooden poles, the government, in collaboration with local Voladores communities, has implemented reforestation programs and proclaimed forest reserves in some areas. The safeguarding project has benefited from strong State and NGO support.

### Slide 17. Safeguarding with the communities concerned

The Convention (Article 15) and the Operational Directives (OD 157(e) and many others) strongly encourage the participation of practitioners and other tradition bearers, i.e. those who practise and transmit the element, in the elaboration and execution of safeguarding measures. Members of the communities or groups concerned often initiate safeguarding measures. The most promising safeguarding initiatives start, in fact, at the community level. Other parties, such as NGOs, government agencies, local authorities, NGOs, research, documentation or other institutions and/or researchers, may also initiate safeguarding measures. In such cases they should be developed and implemented with the widest possible participation of the communities, groups or individuals concerned (Article 15). If not, the measures are unlikely to result in the continued practice and transmission of the element.

Whoever initiates it, identifying and implementing safeguarding measures is a process including the following steps, although not necessarily in this order:

1. Engage with relevant stakeholders (including the communities concerned) and inform community representatives
2. Determine the current viability of the element: its potential to continue to be enacted and transmitted, and to remain significant to the community or group concerned
3. Identify any threats to the viability of the element: problems affecting the enactment and transmission of the element now
4. Identify any future risks to the viability of the element
5. Determine the commitments of the communities concerned, and any other stakeholders, to safeguarding the element
6. Identify and evaluate previous and current safeguarding measures (if any)
7. Identify possible safeguarding measures addressing threats and risks
8. Prioritize and cost the safeguarding measures
9. Obtain free prior and informed community consent to implementation of the safeguarding measures
10. Find resources (human and material) to implement the safeguarding measures
11. Implement safeguarding measures
12. Monitor and evaluate the impact of the safeguarding measures
13. Adjust the safeguarding measures, if necessary

All of these steps should involve the communities concerned as much as possible; in many cases community representatives will be managing the process, assisted by others when required.

### Slide 18. Safeguarding plans

Safeguarding measures should, if possible, be presented as a coherent set of measures (i.e. as a plan). However, sometimes a single measure can do wonders.

Safeguarding plans should be assessed for feasibility. Often, sufficient funds are not available when safeguarding specific elements; other forms of assistance (such as related documentation or advice from other States) may also be required. In such cases States Parties may seek international assistance under the Convention (discussed further in session 5.12).

It is seldom possible to anticipate all the positive and negative effects of safeguarding interventions. Safeguarding measures should thus be frequently reviewed and assessed, and amended where necessary.

As an example of a concrete (although invented) plan, participants can be referred to the Fonabal safeguarding plan in the final Fonabal sample nomination for the Nominations workshop. A short description of the element is provided below as background:

Fonabal (xylophone) music accompanies chanting and dances in a number of rituals and festivities practised by Afro-Hispanic people in the southern coastal part of Country F. The chants combine Spanish words with African laments, a reminder of the slave ancestry of the Afro-Hispanic community. There are four main traditional contexts in which the fonabal music and chants are performed: the Worshipping of Saints, the Fonabal Dance, the Child’s wake and the Adult wake (funeral). Each one of these contexts is associated with specific musical expressions. The music is performed on fonabals, its rhythms reinforced by hand clapping, drums and seed rattles. Today, many young Afro-Hispanic people have migrated to the cities to study and work, or to escape conflict in rural areas, often thereby breaking close connections with family and with their traditions. Most of the maestros who lead the singing and dancing in the rituals and festivities have remained in the rural areas. In the cities, therefore, the music and rituals associated with the Fonabal are less frequently practised and the element is thus in need of urgent safeguarding.

**The safeguarding plan**

| **Activity** | **Stakeholders** | **Timetable** | **Cost / Needs (USD)** | **Outcomes expected** |
| --- | --- | --- | --- | --- |
| 1. Coordination between stakeholders to promote the element and raise its status locally, nationally and internationally  2. Permitting fonabal ceremonies to be performed alongside government funeral facilities for Afro-Hispanic people. | Fonabal First  musicians, singers, communities, researchers and government | 2011-2014 | 30,000 (government subsidy) | The element to be recognized as the main cultural resource in the region supported by networks of performers, teachers and promoters  Young people from the Afro-Hispanic community in cities and rural areas more interested in participating in fonabal ceremonies |
| 3. Including fonabal in the formal music curriculum in universities and State-run schools  4. Support for the teaching of fonabal chants, music and dances, formally and informally | Fonabal First  Musicians and singers  Schools of Traditional Music and Dance  Universities | 2011-2014 | 40,000  (Municipal subsidies) | More young people trained as singers and musicians |
| 5. Research on the performance of fonabal music and chants | Local universities  Afro-Hispanic youth groups | 2011-2012 | 30,000 (university funds) | Better knowledge of the range and diversity of songs, chants and contexts in which fonabal is performed and publication of information about it that will be used in schools |
| 6. Traditional Music Festivals organized | Afro-Hispanic youth groups  Fonabal First | 2011- | 40,000 (NGOs and government funds) | Greater awareness about the element among Afro-Hispanic youth in urban environments  Increased status associated with the element  Increased opportunities for performance of fonabal music and dance in urban contexts |

### Slide 19. Case study: Batik (Indonesia)

This case study can be used to show participants how safeguarding measures can be designed as part of a broader plan in which different measures complement each other. (A shortened version of it is provided in the Hand-out 5.10.1 to illustrate the importance of safeguarding the skills used in making instruments for performing the ICH.)

Batik is a method of cloth dyeing common in Indonesia, inscribed on the Representative List in 2009. In making batik cloth, craftspeople draw designs on fabric using dots and lines of hot wax, which resists vegetable and other dyes and therefore allows selective colouring of the cloth. The techniques, symbolism and cultural practices surrounding batik-making permeate the lives of many Indonesians: infants are carried in batik slings decorated with symbols designed to bring luck, and the dead are shrouded in funerary batik. Clothes with everyday designs are worn regularly in business and academic settings, while special items are incorporated into celebrations of marriage and pregnancy, into puppet theatre and other art forms. The garments also play a central role in rituals, such as the ceremonial casting of royal batik into a volcano.

Today, because of their cost, traditional batik-making processes have been displaced to a large extent by cheaper factory-produced cloth using traditional batik motifs. Few young people today pursue traditional batik-making as a profession. Even within the group of batik practitioners, knowledge about the symbolism of batik patterns and motifs is eroding. The knowledge of how to make tools necessary for making Batik cloth, such as *canthing tulis* pens and *canthing cap* stamps, is also in danger of disappearing.

Therefore, various safeguarding measures are proposed or in process. In 2008, the Indonesian Batik Community Forum was established to facilitate communication and collaboration among batik practitioners, thus fostering skills transfer and capacity building within that group. The National Treasures system funds training and promotes awareness of the craft as a profession: skilled individuals are proclaimed as National Treasures and given some funding for training purposes. The Batik Museum Institute will carry out a training programme teaching the skills of making *canthing tulis* pens and *canthing cap* stamps.[[51]](#footnote-51) The inclusion of batik in the national inventory of intangible heritage and the nomination of batik to the Representative List has promoted awareness of the value and function of batik-making in Indonesian society.

These safeguarding measures are expected to contribute to the viability of traditional batik cloth-making by raising awareness about the craft, by helping practitioners to build capacity among themselves and to transmit the skills to others, and by ensuring that the tools for making batik are available into the future.

### Slide 20: Case study: Anu Raud’s school (Estonia)

In this case study participants should be encouraged to identify safeguarding measures.

Anu Raud is a well-known Estonian textile artist, a professor at the Tallinn Academy of Art, and founder and director of the department of agricultural architecture and domestic arts and crafts at the Viljandi Cultural Academy, part of the University of Tartu in Estonia. She now also runs a thriving workshop, museum and teaching centre at Kääriku Farm in Viljandi. By mobilizing her own skills and the formal education system in Estonia, Anu Raud has been able to make a substantial contribution to the transmission of skills for traditional knitting and weaving in Estonia.

Kääriku Farm was built as an agricultural estate at the end of the 19th century by Anu Raud's grandfather, but it was later sold out of the family. In 1990 Raud bought the land back and revived the farm by establishing a folk art workshop, museum and teaching centre there. The Heimtali Museum is housed in a former school building on the farm.

The museum contributes to awareness raising about traditional Estonian knitting and weaving methods, as it displays her collection of ethnographic textiles and is used for workshops for students and schoolchildren, contributing to transmission of skills in making traditional Estonian knitted patterns. Students working with Raud research and document woven and knitted fabric patterns in museums and other collections around the country. This contributes to the Heimtali museum’s collection of folk art patterns. Raud, and her students, then use these patterns in new products, such as soft toys, as well as creating traditional gloves and socks. At a time when many people buy cheap imported clothing, and fewer children learn to knit or weave, reviving Estonian designs in new products seems to be an appropriate way of safeguarding both knitting and weaving skills and the skills to create the complex traditional patterns of the region.

### Slide 21: Case study: The Gawad sa Manlilikha ng Bayan (Gamaba) system in the Philippines

#### Living human treasures

One of the biggest threats to the viability of ICH is posed by declining numbers of practitioners of traditional craftsmanship, music, dance or theatre, and of those who are in position to learn from them. An effective way to safeguard ICH sustainably is to encourage experienced practitioners to continue to transmit their knowledge and skills and to encourage younger people to appropriate them.

In the 1990s, inspired by South Korea, UNESCO promoted so-called Living Human Treasures systems. UNESCO encouraged States to establish such systems through its Living Human Treasures programme since 1993, and has provided guidelines for doing so:

<http://www.unesco.org/culture/ich/doc/src/00031-EN.pdf>

Living Human Treasures systems were created in over 20 countries. They differ widely from country to country, but most recognize key practitioners of ICH and reward them in some way in order to encourage the transmission of their skills and knowledge to others. States select such people on the basis of their accomplishments and of their willingness to convey their knowledge and skills to others. The selection is also often based on the value attached to the ICH concerned, its representative character for a given community, as well as its risk of disappearance.

The establishment of a national Living Human Treasures system may involve:

* Adopting legal or regulatory provisions;
* Identifying and including in one or more inventories the selected ICH elements as well as the names of their bearers;
* Creating a commission of experts responsible for selecting candidates and for monitoring the implementation of the system, especially with regard to the transmission of knowledge and skills.

Some of the systems yielded good results, but today UNESCO would not promote the system in exactly the same way. In the spirit of the Intangible Heritage Convention, the focus of projects to safeguard ICH should be on transmission in a broader sense, not just on transmission between ‘excellent’ masters and their apprentices. Projects should also focus more on the knowledge and the skills involved than on individuals who happen to have these skills at any one time.

Nevertheless, effective systems whereby skilled practitioners are encouraged to continue practising and transmitting their skills are still needed. The National Living Treasures Award system in the Philippines assists practitioners to practise traditional Filipino skills and transmit them to others.

#### The Gawad sa Manlilikha ng Bayan (Gamaba) system in the Philippines

[Aperçu](http://www.unesco.org/culture/ich/index.php?pg=00311&cp=PH&topic=lht#a-acronym-titleliving-human-treasurelhtacronym-system)[Télécharger](http://www.unesco.org/culture/ich/download.php?src=http://www.unesco.org/culture/ich/img/photo/thumb/00131-LRG.jpg)

In 1992 the Philippines created a National Living Treasures (NLT) Award, otherwise known as the Gawad sa Manlilikha ng Bayan, through the promulgation of legislation (Republic Act No. 7355). This Award has its roots in the National Folk Artist Award which was established in 1988 by the Rotary Club of Makati-Ayala, to give recognition to artists representing a wide range of Filipino crafts. The NLT system was established in order to:

* Acknowledge the importance of traditional folk artists;
* Revitalize the artistic traditions of communities;
* Provide mechanisms for identifying and assisting qualified traditional folk artists to transfer their skills to the community; and
* Create opportunities for popularizing their works locally and internationally.

‘Manlilikha ng Bayan’ or National Living Treasures are defined as citizens or groups of citizens engaged in any uniquely Filipino traditional art, whose distinctive skills have reached a high level of technical and artistic excellence. The Award is given to practitioners in traditional Filipino folk arts, such as folk architecture, maritime transport, weaving, carving, performing arts, literature, graphic and plastic arts, ornament, textile or fibre art, pottery, etc.

The award was first given in 1993 (3 awardees) and then in 1998 (2 awardees), 2000 (3 awardees) and 2004 (3 awardees). The search process for the next awardees is underway and new awards are planned for 2011.

The National Commission for Culture and the Arts (NCCA) was designated as the organization responsible for the implementation of the NLT system. The NCCA, established in 1992, is the highest policy-making and coordinating body for culture and the arts of the Philippines. In implementing the system, the NCCA is required to identify traditional artists, adopt a programme ensuring the transmission of their skills and to promote among the Filipino people a genuine appreciation of the National Living Treasures.

##### Selecting awardees

The NCCA created a special Committee (known as the GAMABA Committee) to make policy recommendations, implement plans and programmes and conduct the identification and selection of potential awardees. The Committee is composed of five individual members designated by the NCCA. It is assisted by an Ad Hoc Panel of Experts composed of experts in traditional folk arts, newly appointed by the NCCA Board of Commissioners before every selection process. There are at least two experts for each domain. The Panel creates various sub-committees from among its members to conduct a thorough search, fair selection and careful review of the nominees for the Award.

Nominations for the GAMABA are received from different sources. It may come from the Ad Hoc Panel of Experts while additional nominations may come from the NCCA Sub-commission on Cultural Communities and Traditional Arts, cultural, governmental, private institutions, local cultural offices, universities and private persons knowledgeable in any of the identified categories. Additional nominations may come from the Ad Hoc Search Committees.

Once nominations have been received, Ad Hoc Search Committees are sent to various parts of the country to conduct research and documentation on candidates for the awards, in accordance with the following criteria and qualifications (Rule IV of the Rules and Regulations, sections 6 and 7):

* They are members of an indigenous or traditional cultural community anywhere in the Philippines that has preserved customs, beliefs, rituals and traditions;
* They have engaged in a folk art tradition that has been in existence and documented for at least fifty years;
* They have consistently performed or produced, over a significant period, works of superior and distinctive quality;
* They possess a mastery of the tools and materials needed by the art, and have an established reputation in the art as master and maker of works of extraordinary technical quality; and
* They have passed on and/or will pass on their skills to other members of the community.

(The Committee passed a resolution deferring search for groups of potential NLT awardees until they have formulated special guidelines for group or community awardees.)

The search process can take a long time. The Philippines is an archipelago with at least 80 major ethno-linguistic groups and at least 200 sub-groups. The documentation team has to travel from North to South, by plane, sea and land under what are often difficult conditions, and they have to find reliable contacts in the field who know the community and local culture. If sufficient data have not been collected, the team has to return to gather more information.

The assessment and selection process is conducted very discreetly, i.e. without the nominee or the community concerned knowing that an individual practitioner is being considered for an award. This means that the members of the Search Committee can freely ask practitioners and community members who they think are outstanding practitioners, who they recognize as masters or who among the nominees have consistently produced outstanding works, etc.

Once the search process has been completed, the Ad Hoc Screening Committee recommends nominees for the award to an Ad Hoc Panel of Reviewers. It reviews the recommendations of the Screening Committee and evaluates the qualifications of the candidates.

The Panel then submits recommendations to the GAMABA Committee and thereby to the NCCA Board of Commissioners for confirmation. Before the conferment of the award, awardees are informed of their obligations and rights. A Memorandum of Agreement is then signed between the awardee and the NCCA. Finally, the President of the Philippines confers the award during a public ceremony in Manila.

##### Responsibilities of and benefits for awardees

The NLT awardees are obliged to transmit their skills to the younger generations through apprenticeship and other effective training methods. Each of the awardees is encouraged to set up their own Manlilikha ng Bayan Training Center at their place of work (usually a home-based apprenticeship program). The awardees develop their own training methods, generally following their traditional way of transferring knowledge. They are also expected to promote and propagate their traditional folk arts in cooperation with the NCCA, and to donate samples, copies or documentation of their works to the National Museum.

In return, awardees receive official recognition, an initial grant during the awarding ceremony, a monthly grant and personal allowance for life, medical, hospitalization and funeral assistance. If the awardees do not fulfil the requirement regarding the obligation of transmission of their skills, their monthly grant is withdrawn, although an exception may be made in cases of illness or infirmity.

The NCCA requires a monthly report from the awardees and/or the designated local coordinators to check on the progress of the awardees, community involvement, problems they encounter, etc. Occasionally, the NCCA also sends a monitoring officer from Manila to assess progress. Based on the reports submitted, interviews and feedback to the GAMABA Committee, the award has mainly had positive effects on the awardees although a few problems have been noted.

On the positive side, the awards gave the awardees greater prestige as role models and culture bearers in their respective communities. The awards were also a source of pride for the communities concerned. The award was instrumental in revitalizing dying traditions like *inabal* weaving.

On the negative side, some family members and relatives have become financially dependent on the awardees; this sometimes causes tension within the family. The NCCA provides advice to awardees in such cases at their request.

##### The broader impact of the awards on ICH promotion in the Philippines

The first legislation in the Philippines that specifically mentions ICH is Republic Act 10066 (known as the National Cultural Heritage Act of 2009). This law was passed in 2010, 18 years after the creation of the National Living Treasures Award. The new legislation adopts the definition of ICH in the Intangible Heritage Convention. The NLT program generally contributes to safeguarding Filipino ICH under two of these domains: Traditional Craftsmanship, Oral Traditions and Expressions and Performing Arts. It also helps to raise awareness about specific ICH practices in the Philippines and abroad.

The NLT system generates most national attention during the award ceremonies, which happen every few years. To increase the visibility of the ICH safeguarded through the system, awardees have now been included in Civics and Culture textbooks for elementary school students. The GAMABA office also organizes travelling exhibitions. Awardees are invited to perform or conduct demonstrations locally, nationally and sometimes internationally.

The awardees also raise awareness about the ICH by organizing festivals or competitions in their communities. Samaon Sulaiman, one of the awardees and a kutyapi (two-stringed lute) player, organized a competition for all his students. The winners of the competition were given their own instruments rather than cash prizes. This competition thus raised awareness about the skills associated with kutyapi playing, assisted the best students in acquiring instruments and also gave welcome business to the few remaining kutyapi instrument-makers.

##### Conclusion

The detailed and discreet process of selection under the NLT system in the Philippines ensures a thorough search for, fair selection and careful review of awardees. This, coupled with the fact that many traditional artists are not well known outside their communities, and the wide range of cultural practices in the country, means that several years’ preparation goes into identifying each group of awardees. The awards are thus not made every year, although a number of new awards are planned for 2011.

The NLT system helps to safeguard specific forms of Filipino ICH by supporting key practitioners and encouraging them to transmit their skills. The awards provide a number of opportunities to promote Filipino ICH more generally at the local, national and international level, whether by publicizing the award ceremony or organizing events and promotional material about the awardees.

**Further information**

UNESCO ICH website:

<http://www.unesco.org/culture/ich/index.php?pg=00311&cp=PH&topic=lht#a-acronym-titleliving-human-treasurelhtacronym-system>

The National Commission for Culture and the Arts (NCCA):

<http://www.ncca.gov.ph/>

National Living Treasures guidelines and awardees: <http://www.ncca.gov.ph/about-ncca/org-awards/org-awards-gamaba-guidelines.php>

Republic Act 7355: <http://www.unesco.org/culture/ich/doc/src/00055-EN.pdf>

Rules and Regulations on the Selection of the National Living Treasures; and Gamaba Committee Membership Rules: <http://www.unesco.org/culture/ich/doc/src/00057-EN.pdf>

The awardees are listed on this website:

<http://en.wikipilipinas.org/index.php?title=Category:GAMABA_Awardees>

A visit to one of the awardees by a Filipino travel writer is documented here:

<http://saggi-space.blogspot.com/2010/08/lang-dulay-philippines-national-living.html>

Thanks to Cecilia Picache (who is in charge of the GAMABA office) for her assistance in developing this case study.

### Slide 22. Safeguarding case study: The Sanbasomawashi ritual (Japan)

The project ‘Awadeko Sanbasomawashi Densho Hozon Katsudo (Preservation Activities [for the Sanbasomawashi ritual])’ was awarded a prize in the 2008 Asia/Pacific Cultural Centre for UNESCO (ACCU) Contest for Better Practices in Communities' Intangible Cultural Heritage (ICH) Revitalization. This case study illustrates the importance of community commitment and involvement in safeguarding efforts.

For further information about the element see: <http://www.accu.or.jp/ich/en/community/sanbaso.html>

For further information about the contest (and other examples) see: <http://www.accu.or.jp/ich/en/community/index.html>

Sanbasomawashi　(New Year’s Performance) is a votive art form in Tokushima, Kagawa and Ehime Prefectures of Japan, dating back to the Edo and Showa periods. Two performers — a wooden doll puppeteer and a drummer — visit homes on New Year’s day with Sanbaso and Ebisu wooden dolls in two wooden boxes. After hanging strips of white paper to appease evil deities, four Sanbaso and Ebisu wooden dolls are manipulated to invoke prayers for bumper crops, sound health, the welfare of families, and success in business, and bright prospects for the New Year. Each of the performers manipulates one of the wooden dolls while the dialogue is spoken.

From the second half of the 1960s onwards, the frequency of Sanbasomawashi　performances rapidly declined. Performers began to retire without successors in urban areas of the region and by the 1970s, performers were mainly found in mountainous areas and agricultural villages. There was declining adherence to, and transmission of, religious rituals performed on New Year’s Day, due to the depopulation of the rural areas and the trend towards nuclear families. This was a period of rapid change in commerce and agriculture, high economic growth and rapid urbanization in Japan. Sanbasomawashi, practised by a marginalized community within the region, was also negatively affected by discrimination against this community.

In the 1990s, Mr Tsujimoto Kazuhide, who conducted a research survey on the performing arts of marginalized groups of people in Tokushima Prefecture, organized the ‘Society to Revive Awadeko Sanbaso and Ebisu-Mai’ (presently known as the ‘Society to Revive Awadeko Hakomawashi’). The society aimed at reviving and transmitting Sanbasomawashi by transmitting performance techniques and the custom of performing it from door to door. As a result of this initiative, in 1999 a Sanbasomawashi performer accepted a new apprentice: Ms. Nakauchi Masako. She accompanied the performer from door to door during his performances and studied his techniques. Since then, she has been able to practice and transmit this performing art together with members of the Society.

The performers have been inspired by their enthusiastic reception in door-to-door performances on New Year’s Day, in which they deliver prayers for bumper crops, success in business, sound health, and the welfare of families. Young people have shown willingness to become field workers, interview elderly persons, and gain direct exposure to Sanbasomawashi. Thereby they have come to value and safeguard this traditional performing art.

### Slide 23. Safeguarding case study: Qiang New Year festival (China)

The Qiang ethnic minority celebrates the Qiang New Year festival in various fortified villages in China’s Sichuan Province on the first day of the tenth lunar month every year. The Festival was inscribed on the Urgent Safeguarding List of UNESCO’s Intangible Heritage Convention in 2009. Participants celebrate and offer thanks to the deities, seeking their continued benevolence for a fertile land, a prosperous population and a harmonious world. Through this ritual Qiang people seek to protect their environment, as well as to promote social and family harmony.

The celebration comprises three parts: a sacrifice to the mountain, a community celebration, and sacrifices held in the family. A priest, Shibi, presides over the sacrifice to the mountain and prayers for favourable weather. This ceremony is accompanied by dancing and by drumming on sheepskin-covered drums. The villagers dress in traditional costumes, sing and dance with great excitement and drink ‘sipped’ wine (zajiu), expressing their happiness about an abundant harvest and their piety towards the gods. Finally, the heads of families preside over ceremonies of family worship during which sacrifices are made to the family gods and offerings are presented to the god of fire in gratitude. The whole family gathers in a drinking party.

Before the mid 1960s and since the 1980s, all Qiang fortress villages used to celebrate the New Year Festival. Today, the number of villages in which it takes place has decreased from more than a hundred to about twenty. Participation in the public gatherings (the sacrifice to the mountain and the community celebration) has also fallen sharply. This is due to the disruption of the tradition during the Cultural Revolution, the more recent migration of workers out of the villages and a declining interest among young people in traditional rituals and speaking the Qiang language. Because the Shibi pass on their knowledge of Qiang New Year Festival rituals only to male members of their families, the number of people who can learn how to conduct the traditional rituals is limited.

The strong earthquake that hit Wenchuan in 2008 damaged places important for the rituals such as the sacred mountains, altars, traditional houses and watchtowers. Many objects used for performing the festival, such as ritual implements and costumes, were lost. Historical objects and archives that had been collected by tradition bearers and researchers of the Qiang New Year Festival were also lost and, even more seriously, many important tradition bearers died.

Communities where the ritual continues to be spontaneously performed today have maintained their sense of identity and still ascribe value to traditional practices; traditional social institutions still play a role in these villages. The villagers still use the Qiang language and retain venues for sacrifices such as the sacred mountain, altars and village temples. Rituals performed by Shibi are still taking place in and around these villages.

Following the development of the tourism industry, Qiang New Year festival activities have been revived in some other villages. However, because the practice in these villages had already stopped, the role played by local villagers in the New Year activities, their understanding of the meaning of those activities and the level of participation of local people is very different from that in the communities where the ritual has a history of continuous performance.

#### Safeguarding measures

According to the nomination file, each safeguarding measure was identified by Qiang people, and should be implemented with the participation of the tradition bearers of Qiang New Year Festival. The preparation of the nomination file, including safeguarding measures, was preceded by:

1. The inscription, in June 2008, of the festival on the National Intangible Cultural Heritage List.
2. In June 2008, the cultural department of Sichuan Provincial Government organized experts to draft the *Planning Outline for the Safeguarding of Qiang Culture’s Living Environment in an Experimental Area* and the *Planning Outline for Post-earthquake Rescuing, Safeguarding and Reconstruction of the Intangible Cultural Heritage in Sichuan Province*.

The following measures have either been proposed or undertaken:

1. **Document the festival to assess viability**: From year 2009 to year 2010, cultural departments in the region were to carry out a field survey on Qiang New Year Festival and its major tradition bearers, to assess its viability in the aftermath of the earthquake.
2. **Conduct research**: The Sichuan Music and Dance Institute will establish a database - Documentation on Inheritors of Qiang New Year Festival – based on the field survey and financed with 400,000 RMB yuan (about 65,000 USD) from the national budget (2009-2010). From 2009 to 2011, the Intangible Cultural Heritage Safeguarding Center of Sichuan Province will be allocated 1.5 million RMB yuan (about 250,000 USD) to collect paper, pictures and video & audio materials pertaining to the festival. In 2010, experts of Qiang culture will publish a series of studies on Qiang New Year Festival activities.
3. **Support the remaining tradition-bearers to continue transmitting their knowledge**: From 2009-2012, 200,000 RMB yuan (about 33,000 USD) will be allocated annually from national financial budgets, and used by relevant local governments to support 20 tradition bearers recognized and nominated by the public of Qiang people, and approved by National and Provincial Intangible Cultural Heritage Safeguarding Experts Committee according to assessment standards on national and provincial cultural heritage inheritors.
4. **Repair and maintain venues for the performance of the festival with community participation:** Tradition bearers of the festival will be consulted to identify venues that need restoration or consolidation. From 2009 to 2010, 1 million RMB yuan (about 165,000 USD) will be allocated from the national budget to relevant local governments for the restoration of venues for the festival. Relevant local governments and their cultural departments will organize Qiang people who are skilled in traditional construction to repair and consolidate the earthquake-damaged venues for Qiang New Year. Priests (Shibi) will be invited to redecorate and restore the venues in traditional ways. Experienced craftsman will be invited to make utensils and objects used in the festival.
5. **Raise awareness about the festival**: A Museum of Qiang New Year will be constructed to raise awareness about Qiang New Year Festival activities. The materials in the museum will be supplied from research conducted by the Intangible Cultural Heritage Safeguarding Center of Sichuan Province. Other museums and venues (financed by 1.5 million RMB yuan from national and local budgets, 2010-2012) promoting knowledge and awareness about the festival will be built in villages of the region. Cultural departments in relevant communities will formulate participation and transmission strategies for the festival. Priests (Shibi) and tradition bearers will be invited to address audiences of different ages. Also, live demonstrations of the festival will be presented in museums at intervals. The museum exhibitions will inform tourists and the local public about the value of Qiang New Year Festival as cultural heritage.

#### Questions to discuss regarding this case study

1. Who is the community concerned with the Qiang New Year festival?
2. What are the threats to the viability of the festival?
3. Do the safeguarding measures (proposed and undertaken) address all these threats?
4. How do the safeguarding measures involve the community concerned?
5. Can you suggest other safeguarding measures for this element?
6. How can research materials about the festival be made more accessible to the communities concerned so as to contribute to the festival’s viability?
7. If material required for the performance of the festival is collected for a museum exhibition, will this threaten the viability of the element, or enhance it?
8. Would you give high priority to organizing live demonstrations of the festival in a museum?
9. What approaches could be used to ensure that the communities concerned are active partners in all proposed safeguarding measures?

### Slide 24. Safeguarding case study: Mongol Biyelgee (Mongolian Traditional Folk Dance)

Dancers from different ethnic groups in the Khovd and Uvs provinces of Mongolia have traditionally performed the Mongol Biyelgee, a Mongolian folk dance. Regarded as the precursor of Mongolian national dances, Biyelgee dances embody the nomadic way of life. Biyelgee dances are typically confined to the small space inside the *ger* (nomadic dwelling) and are performed while half sitting or cross-legged. Hand, shoulder and leg movements express aspects of household labour, customs and traditions, as well as spiritual beliefs. Biyelgee dancers wear clothing and accessories featuring colour combinations, artistic patterns, embroidery, knitting, quilting and leather techniques, and gold and silver jewellery specific to their ethnic group and community.

The dances play a significant role in family and community events such as celebrations, weddings and labour-related practices, simultaneously expressing distinct ethnic identities while promoting family unity and mutual understanding among different Mongolian ethnic groups. Traditionally, Biyelgee has been transmitted through apprenticeships or home-tutoring within the family, clan or neighbourhood. In most of the second half of the last century ICH elements that underpinned Mongolian identity were not encouraged, to say the least. Today, the majority of tradition bearers of Biyelgee dance are elderly, and their numbers have decreased dramatically (currently standing at about 20). Few young people are interested in the dancing today, and with rapid urbanization many have left the rural areas. The diversity of Mongol Biyelgee is under threat as there remain very few representatives of the distinct forms of Biyelgee from different ethnic groups.

The element was inscribed in 2009 on the Urgent Safeguarding List. The nomination file – which may be consulted on the website of the Convention – provides information about existing and past measures undertaken to create or maintain the conditions required to enhance the viability of the element; in section 3(b) it presents further safeguarding measures that are to be carried out in order to further contribute to the viability of the element. A general framework for ICH safeguarding was already in place:

The Mongolian parliament (State Great Khural) passed a ‘Law on Cultural Heritage Protection’, and the government ratified the Intangible Heritage Convention in 2005. The government has implemented a national program for promoting traditional culture. ‘Draft Regulations on Identifying, Registering, Safeguarding, Transmitting, Developing and Promoting State Support for the Intangible Cultural Heritage’ and ‘Draft Rule of National Council for Identifying Intangible Cultural Heritage and Its Bearers’ have been submitted to the Ministry of Education, Culture and Science of Mongolia for further approval by the Government of Mongolia (2008).

#### Safeguarding measures

Biyelgee tradition bearers, ethnic group representatives, scholars, researchers and NGOs engaged with the safeguarding of the Mongol Biyelgee worked together to develop a ‘National Program for Protection and Development of Mongol Biyelgee: Mongolian Traditional Folk Dance’. This program was approved by the Government of Mongolia and is being implemented over the period 2008-2012.

The program includes the following safeguarding measures proposed and undertaken (additional measures are included in the nomination file):

1. **Conduct research and documentation**: Researchers will carry out regionalized multi-ethnic surveys on the folk dance in the remote rural areas of Mongolia and identify distribution and locations of tradition bearers. They will also send a research team to regions of a neighbouring country where ethnic Mongolians live. They will create a database of information about Biyelgee dancers. They will publish textbooks and manuals, and academic conferences, seminars and workshops will be held on the topic. The subject of Biyelgee traditions will be included in the curriculum of professional arts college and universities.
2. **Support practitioners**: Biyelgee tradition bearers will be identified and provided with financial support to organize training for prospective learners. National conferences of multi-ethnic Biyelgee heritage bearers will be organized. Biyelgee contests and competitions will be held to motivate the tradition bearers and their pupils in continuing to practise the dance form. Biyelgee bearers, dancers and dance instructors will be offered training to improve their qualifications and skills for training others. Training facilities will be provided in local communities, and training manuals will be produced. The guidelines and memoirs of senior Biyelgee dancers and bearers will be published.
3. **Raise public awareness:** Media coverage of Biyelgee traditions will be promoted, featuring some of the tradition bearers. CDs and DVDs featuring the variety of Biyelgee performances will be produced. Meetings, festivals and events related to Biyelgee will be organized to promote awareness among the general public. Ethnic arts traditions will be included in the relevant subject syllabus of General Education Schools and teaching thereof encouraged in local cultural centres.
4. **Monitor and evaluate the safeguarding activities**: Members of the implementing team will monitor and evaluate the success of the safeguarding activities.

People from the communities practising the folk dance will be invited to participate in meetings to discuss the further safeguarding of Biyelgee folk dance heritage and will form part of the implementation team. Biyelgee tradition bearers and learners will be one of the main implementing partners for the safeguarding plan. The main executive body for the safeguarding plan will be the Mongolian Cultural Studies Association (MCSA), assisted by the Mongolian ‘Bii Biyeleg’ Association (MBBA) and other NGOs.

#### Questions to discuss regarding this case study

1. What are the main threats to the viability of the Biyelgee folk dance?
2. How do the safeguarding measures try to address these threats?
3. Can you think of some other safeguarding measures that would be appropriate?
4. Would it be important or detrimental to the safeguarding of the Biyelgee folk dance to prescribe how it should be performed?
5. How can research materials about the Biyelgee folk dance be made accessible to the communities concerned?
6. How can the communities concerned be given a prominent place in the execution of the safeguarding plans?
7. The folk dance embodies nomadic ways of life that are rapidly disappearing as people migrate to the cities. What safeguarding interventions might you think of for urban areas?

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# IMP 5.10.1 Hand-out: Examples of safeguarding measures

The development and implementation of safeguarding measures for ICH elements is a process that should be tackled with the active participation and consent of the communities concerned. Ideally, safeguarding actions should be led by the communities concerned, with other agencies (if any) playing a supporting role.

Safeguarding measures will be specific to each ICH element, or group of ICH elements, and to the threats that impair their viability. Where several safeguarding measures are proposed, it may be necessary to prioritize them, as unlimited budgets for safeguarding are not generally available. Much can be achieved by the implementation of a single well-designed safeguarding measure, however, and safeguarding measures need not always be expensive to implement.

Where a series of safeguarding measures are proposed or implemented, they need to form a coherent plan. The impact of safeguarding cannot always be predicted and thus needs to be constantly assessed together with the communities concerned; safeguarding measures may need regular adjustment and review.

The examples of safeguarding measures listed below are intended to give an impression of some kinds of measures that have been implemented in safeguarding projects to date. They cannot be applied blindly to the safeguarding of other ICH elements, and would need to be adapted to the specific circumstances of each element.

They are broadly categorized as follows:

### General safeguarding measures

#### Creating an enabling legal and administrative environment for safeguarding

This task is mainly undertaken by State agencies at the local, national or even the regional level. Possible activities include:

* Developing and implementing policies, legislation and regulations to safeguard ICH.
* Creating coordinating bodies and networks to foster community participation in safeguarding of their ICH.
* Amending or developing legislation in the areas of intellectual property, tax, tourism and other areas to help communities continue to practise and transmit their ICH.
* Creating or designating institutions to aid in inventorying, safeguarding, research and capacity-building or expanding the remit of existing institutions.
* Developing policies at various levels of governance on appropriate and sustainable development (including tourism) that contributes to ICH safeguarding.
* Monitoring and evaluating the effects of safeguarding activities on the viability of the ICH in general (and of specific elements), including the effects of awareness raising, the effects of inscription on a List of the Convention, and the effects of tourism and other development initiatives.

**Example:** Mongolia passed a Law on Culture and a State Policy on Culture in 1996, and a Law on the Protection of the Cultural Heritage in 2001. Each of these laws contains a special section on the protection of intangible cultural heritage. Institutions have also been set up in Mongolia for the inventorying of the ICH. In 1998, the National Centre for Intangible Cultural Heritage was founded by artists, and has since established a national database on ICH. In 1999, the government launched a ‘National Programme for the Support of Traditional Folk Arts 1999-2006, and various national festivals promoted ICH elements. The government is planning to establish a National Council for Identifying Intangible Cultural Heritage and its Bearers, to implement the Mongolian National Action Plan for ICH, and create a Living Treasures Programme.[[52]](#footnote-52)

Some policies can be developed at a regional level.

*Note: Although the Intangible Heritage Convention does not deal with intellectual property rights, many communities are concerned about the intellectual property implications of inventorying and promoting their ICH. Intellectual property rights are ideally regulated in a complementary way on the national, regional and international level.*

**Example:** In December 2009 the Pacific Islands Forum launched the Traditional Knowledge Action Plan to facilitate the protection of the intellectual property associated with traditional knowledge. The Plan supports domestic implementation efforts alongside regional efforts for the ‘protection of ownership rights and the effective commercialization and economic use of traditional knowledge’. Its overarching purpose is ‘to provide an enabling environment for cultural industries to grow and contribute to economic development and improvement of livelihoods across the region’ and to thereby eradicate poverty in the region.[[53]](#footnote-53)

#### Raising awareness about the value of ICH

This task can be undertaken by numerous roleplayers, including communities concerned, State agencies, the media, NGOs and other organizations at the local, national or international level, as long as they have the participation and consent of the communities concerned. Possible activities include:

* Providing information and audio-visual data about ICH in general (or specific ICH elements) for the benefit of the general public, through the media or formal education.
* Fostering mutual understanding and respect by promoting and raising awareness about ICH elements practiced by others.

**Example:** UNESCO and the Colombian Government launched a nationwide campaign in 2002 to alert communities, civil society and scientific and governmental institutions about the importance of safeguarding Colombia’s intangible heritage. They wished to involve the general public and other stakeholders in ICH safeguarding actions and to raise support for ICH protection among policy-makers and elected officials. Activities included:

* Establishing the Intangible Heritage Committee (2004), an advisory body to Colombia’s Ministry of Culture for the formulation of policies and the elaboration of criteria for inscription on national lists;
* Organizing the First National Encounter for ICH in Medellín (September 2005), which led to the establishment of national networks and encouraged political decision-makers to support the ratification of the Convention.
* Implementing a media campaign based on the theme ‘Show Who You Are’ to raise awareness, especially among Colombian youth, on the importance of maintaining Colombia’s cultural diversity. The campaign included three TV advertising spots on national and regional TV channels, 40 messages on some 200 regional commercial and community radio stations – as well as advertising in major newspapers.
* Organizing five regional seminars to encourage communities, cultural agents, indigenous groups, and education and communication professionals to actively engage in safeguarding measures.[[54]](#footnote-54)

#### Inventorying the ICH

This task can be undertaken by numerous roleplayers, including the communities concerned, State agencies, NGOs, experts, centres of expertise and research institutions at the local or national level as long as they have the participation and consent of the communities concerned. Possible activities include:

* Informing communities about inventorying under the Convention, their possible roles and how research and documentation of their ICH may contribute to safeguarding.
* Identifying and defining ICH elements present in the territory of the State, with the participation of communities, groups and relevant NGOs (Article 11(b)).
* Developing an inventory or inventories of ICH in the territory of the State (Article 12), with the participation of the communities concerned (Article 15).

**Example:** In Fiji a cultural mapping program was initiated in 2004 by the Department of Fijian Language and Culture under the Ministry of Indigenous Affairs, and implemented through the Institute of iTaukei Language and Culture. The program aims to map traditional knowledge and expressions of culture of all communities across all of Fiji’s fourteen provinces, with a strong emphasis on the culture and traditions of the indigenous people. Among other things, the program aims at the identification and recognition of custodians of indigenous knowledge; research and documentation of Fijian culture and the creation of a database; and the inventorying of intangible cultural heritage in need of safeguarding.[[55]](#footnote-55)

### Specific safeguarding measures

#### Identification, research and documentation

This task can be undertaken by the communities concerned, with the assistance of numerous roleplayers such as State agencies, NGOs, experts, centres of expertise and research institutions as long as they have the participation and consent of the communities concerned. Possible activities include:

* Documenting ICH elements (with community participation), with a view to safeguarding, awareness raising and capacity building within the community.
* Helping the communities concerned manage an archive of information about their ICH or one or more elements thereof.
* Encouraging people to document ICH elements associated with their communities, for instance by interviewing practitioners and tradition-bearers, and to disseminate the resulting information.
* Holding meetings for information exchanges about the ICH within the communities concerned, and between community members and outside experts / researchers.
* Capacity-building among community members to support the documentation process.
* Mobilizing existing documentation and audio-visual recordings for revitalization projects.
* Helping the communities concerned have access to existing archived information about their ICH that was compiled by others.

**Example:** In the late 1990s, the Austrian Academy of Sciences in Vienna collaborated with the Institute of Papua New Guinea Studies to make music, stories and other linguistic material recorded in Papua New Guinea in the early 1900s available to institutions and cultural centres in Papua New Guinea today. Public awareness of the availability of the material was promoted through local newspapers and radio stations. Some of the recordings documented ceremonial songs that were no longer performed – prohibited by missionaries or replaced by ceremonies from neighbouring groups. Today, these traditions are only remembered in a very fragmentary form. Local performance groups are thus using the recordings to stimulate village elders to recall performance practices of their youth, which can then be passed on to younger generations. Without these recorded examples as a starting point, such revitalizations efforts are almost impossible.[[56]](#footnote-56)

#### Encouraging continued enactment and transmission of the ICH

This task can be undertaken by the communities concerned, with the assistance of numerous roleplayers such as State agencies, NGOs, experts, centres of expertise and research institutions as long as they have the participation and consent of the communities concerned. Possible activities include:

* Analysis (by or with the communities concerned) of threats to the viability of their ICH elements, if any;
* Awareness raising within the community concerned about the value of specific ICH elements.
* Encouraging the establishment of community organizations to promote enactment and transmission of threatened ICH, and to safeguard it.
* Funding of good community-initiated safeguarding projects.
* Supporting experienced practitioners to transmit ICH elements to others in the community concerned.
* Encouraging traditional contests and competitions, in particular where these were used in the past as vehicles for enactment and transmission of the element.
* Ensuring the material conditions for continued practice and transmission are met, e.g. through the continued availability of sufficient raw materials, performance spaces or tools.
* Provision of education and training to young community members to ensure the skills are in place for continued practice of ICH elements in cases where traditional methods of transmission can no longer guarantee its viability.
* Monitoring the effects of safeguarding measures and development activities on the viability of the elements and taking remedial action if new threats to the viability of the element emerge.

**Example:** Batik is a method of cloth dyeing common in Indonesia, inscribed on the Representative List in 2009. In making batik cloth, craftspeople draw designs on fabric using dots and lines of hot wax, which resists vegetable and other dyes and therefore allows selective colouring of the cloth. Individuals skilled in batik making have been identified with a view to declaring them as National Treasures. In 2008, the Indonesian Batik Community Forum was established to facilitate communication and collaboration among batik community members for its safeguarding. Specialized pens are needed to make the cloth. The Batik Museum Institute will therefore carry out a training programme teaching the making of *canthing tulis* pens and *canthing cap* stamps, tools necessary to make Batik cloth, as the knowledge of how to make them has now become endangered.[[57]](#footnote-57)

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# IMP 5.10.2 Hand-out: Safeguarding measures for the Ceremony of the Voladores

The Ritual Ceremony of the *Voladores* (Mexico) was inscribed on the Representative List of the Intangible Heritage Convention in 2009.

*Note: The information in this hand-out**draws on the nomination file for the above element as submitted to UNESCO but is not an exact replica of the safeguarding plan in that nomination file.*

[*http://www.unesco.org/culture/ich/index.php?RL=00175*](http://www.unesco.org/culture/ich/index.php?RL=00175)

### Name and brief description of the element

The Ritual Ceremony of the Voladores (‘flying people’), originating in pre-colonial times, was once practised by various Mesoamerican communities and groups over a wide area in Middle America. Today it has become particularly important to the Totonac in Mexico. In the Totonacapan region there are 33 groups of registered Voladores, 3 Voladores Schools for Children, 3 Associations of Voladores, and about 500 identified Voladores.

In preparation for the ceremony itself – if the full traditional ritual is performed – a tree is cut down, transported, ritually prepared and erected in a central area. Preparatory rituals, including offerings to Mother Earth, are performed and those who will participate in the ceremony undergo physical and spiritual preparation. During the ceremony, five men climb the pole, which is 18 to 38 meters high. While one of them dances at the top playing the flute and drum, the others swing from the pole on ropes, turning around the pole and mimicking flight. Although there are many variations to the ceremony, it was, and often still is, in essence, a ritual to establish communion with the gods and ensure the fertility of the earth. Itis therefore held during various celebrations and festivities, such as patron saint festivities, carnivals, solstices and equinoxes, festivities surrounding the Day of the Dead, and in ceremonies associated with the sowing and harvesting of crops. The most spectacular part of the tradition, flying around the pole, is also often presented outside the traditional community setting, increasingly by groups of professional Voladores using permanently erected steel poles.

### Viability

The beauty and visual spectacle of the flight stage of the Ceremony of the Voladores has contributed to its status as one of the iconic indigenous traditions of Mexico. The ceremony is still regularly practised and the requisite skills continue to be transmitted to Volador children. In spite of massive migration out of the region, the Totonac community is very eager to preserve this tradition. The elder Voladores in the community are unhappy that many ceremonies are now performed for tourists in a truncated form, omitting the cutting, selection and ritual preparation of the pole and the ritual preparations of the ‘flyers’. The Council of the Totonacapan region has supported the creation of various associations of Voladores and schools for Volador Children to aid in transmission. Volador practitioners as well as the Totonac community have welcomed these efforts and the number of students enrolled at the school for Volador Children has increased in recent years, demonstrating an interest in continued practice of the element.

### Threats to viability

**Declining availability of wooden poles:** The pole used in the ceremony has traditionally been made from the tsakáe kiwi tree. Deforestation in the region, caused by extensive cattle grazing, has led to a decline in the availability of the tree. In many places fixed metal poles are being used instead. The use of fixed metal poles affects the meaning of the ritual, because spiritual communion is established between the natural and supernatural world through the ritual selection and preparation of a tsakáe kiwi tree for the pole.

**Loss of the ritual and spiritual dimensions of the ceremony:** Although the full Ritual Ceremony of the Voladores is supposed to take place at specific times of the year and at special occasions, the flight stage of the Ceremony is now performed at any time, as an acrobatic act for tourist audiences. Performing only the spectacular flight stage, isolated from its ritual context, underplays its spiritual dimension and leads to a shallow appreciation of it as commercial or recreational, by participants and audiences, within and outside the community concerned. The Voladores performers in the Ceremony are supposed to mediate ritually between deities and human beings. Therefore the Voladores and the community as a whole used to go through a period of personal spiritual preparation prior to the Ceremony to ensure a positive outcome. As ‘professional’ performers emerge to serve the tourist market they focus on the flight part of the ceremony and hence on physical rather than mental preparation. They may therefore fail to learn some of the traditional techniques for avoiding injury.

**Insufficient information available about the ceremony:** Young people who live in the area lack good information on the ceremony and its traditional function within their communities. In addition, many young people are migrating elsewhere. If the ceremony is to be safeguarded, ways should be found to encourage those who remain to support the ceremony, appreciate its value and function within the community, and to learn to participate in it as audience members or performers.

### Previous safeguarding measures

Associations of Voladores have been communicating with each other and with government officials, discussing the problems they face and possible solutions, to help safeguard the ceremony. Voladores elders and practitioners have been actively involved in transmitting their skills through traditional apprenticeship mechanisms and through new initiatives. The Centre for Indigenous Arts, established as a result of government investment in the region, promotes Totonac culture by encouraging elders to share their passion, knowledge and experience with adults, young people and children, of the area. The Centre for Indigenous Arts started a School for Volador Children in Papantla to teach the full traditional ritual and its background. Other schools have also been founded: a Kgosni school for Totonac Volador children at the Centre for Indigenous Arts of Papantla and a community school for Volador Children of the community of Chila, Municipio de Honey.

Government investment to promote the economy and culture of the area around the archaeological site of El Tajín has had benefits for the promotion of local cultural practices like the Voladores ceremony. The Tajín Summit, for example, was introduced in 2000 as a new festival in which artists from various countries around the world come to perform and share their local customs, practices and rites with national and foreign visitors. This multifaceted festival has significantly increased tourist revenue in the area and highlighted Totonac culture, although it may not have contributed specifically to the safeguarding of the Voladores ceremony. There are also other festivals where Voladores from various parts of Mexico meet and perform one after the other, and where they share ideas about how to continue the ceremony.

The government has funded an Information and Documentation Centre, specializing in Totonac culture, with special emphasis on compiling diverse reference and audio-visual collections of work featuring the Voladores. Environmental agencies in government have sponsored a pilot reforestation program to plant the tsakáe kiwi tree (Flyer’s Pole), soon to be expanded.

### Community participation in safeguarding

Associations of Voladores have actively participated in the development of a safeguarding plan. A Coordinating Council was set up during the preparation of the nomination file for the Representative List and it will help to coordinate implementation of the safeguarding plan.

A multi-disciplinary team including community representatives, informed by a series of stakeholder meetings, developed safeguarding measures. These meetings involved Voladores(both as individuals and representing associations), the Supreme Totonac Council, various Civil Associations, intellectuals, public and private universities, town hall organizations of the Veracruz region of Totonacapan, and several federal institutions devoted to culture, in addition to the State Government of Veracruz. The following issues were discussed at the meetings:

* Participants’ views on the meaning and values of the ceremony;
* Problems faced, including threats to the ceremony’s viability; and
* Possible safeguarding measures.

### some of the main safeguarding measures proposed

#### Ensure that poles are available to enact the element

1. Produce an inventory of the existing poles (both wood and metal), and a diagnosis of their condition;
2. Provide access to appropriate trees as flying poles to Totonac communities;
3. Organize reforestation drives with communities to plant the tsakáe kiwi tree to ensure that wooden poles are still available for the ritual in the future;
4. Create protected areas in several Totonacapan municipalities to protect tsakáe kiwi tree plantations.

#### Ensure that the ritual dimension of the ceremony is not lost

1. Ensure that in addition to any tourist performances, at appropriate times the entire ceremony is performed by tradition-bearers, including the rituals associated with raising the pole, and offerings to Mother Earth.

#### Promote transmission of the element in appropriate ways

1. Support the Schools for Volador Children financially and increase enrolment in them;

#### Promote information gathering and sharing for safeguarding and awareness raising

1. Promote research about the element, encouraging communities to participate in the research and to use new technologies such as video-recording to pass on important information about the ceremony;
2. Produce a list of places and occasions where both full and truncated ceremonies are celebrated.

#### Create an enabling legislative and administrative environment

1. Ensure that the legislative and policy framework at regional and national level assists in acknowledging the importance of the element (e.g. as Regional Cultural Heritage) and assisting the safeguarding of the element (e.g. through State support).

#### Raise awareness about the element

1. Distribute publications about the ceremony in indigenous languages;
2. Include information about the ceremony in the school curriculum for the region;
3. Share information about the ceremony locally, nationally and internationally.

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# IMP 5.11 Visit to safeguarding project

It may be beneficial for participants to visit a local intangible heritage project to illustrate the practical challenges faced in and successful strategies developed for safeguarding an element. Alternatively, project members could be asked to visit the venue at which the IMP workshop is being held and to give a brief talk to the participants about strategies and processes that have been successful in safeguarding an ICH element, and those that have not been so successful. Time should be allocated for participants’ questions.

If such a visit is possible, participants should be assisted by the facilitator in structuring possible lines of thought and reflecting on their experience of the visit. For example, facilitators could prepare a worksheet asking participants to reflect on specific questions during the visit (these questions would not necessarily be addressed directly to the project members). Facilitators could ask participants to report back briefly the next day. It is important to leave time within the schedule for participants to reflect on the lessons learned from the visit.

If a visit is not possible or appropriate, a discussion of video materials on safeguarding and community participation would be a possible alternative. The facilitator would need to select appropriate video materials. The participants could be encouraged to identify threats and risks facing the element, and safeguarding measures to address them, and to look at how communities concerned were involved in promoting the viability of the ICH. Local examples could be used, but sometimes using a new example from another region is a way of encouraging participants to think critically about the issues at hand.

For example, participants could discuss the ‘Wooden movable-type printing of China’ nomination video:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&USL=00322>

# IMP 5.12 Lesson plan: Implementation at the international level

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| **Title of activity: Implementing the Convention 5.12 –** **Implementation at the international level** |
| Duration: 3 hours |
| Objective(s):  Discuss actions directed at the international level and how these may contribute to the safeguarding of the ICH present in the State’s territory. |
| Description:  IMP Presentation 5.12   * The Lists of the Convention * Inscriptions, 2008-2010 * Which list? * Evaluation procedure and criteria for inscription on the Lists * Nominations timetable * Multinational nominations (exercise) * International cooperation and assistance * The ICH Fund * Requests approved by the Committee * Timetable for assistance requests * Evaluation criteria for assistance requests (exercise) |
| Supporting documents:  IMP Presentation 5.12 plus narrative |

**Notes and suggestions:**

The exercises in this session can be tailored to the needs of participants, and omitted if necessary. The first exercise, at slide 16, about a sample shared heritage element (about 30 mins) focuses on the question of multinational nominations. To conduct the exercise on shared heritage, participants could be divided into small groups and given a few of the questions to discuss.

The second exercise (slide 26, about 30 mins, applying for funding) focuses on the form for international assistance requests. It is appropriate in cases where participants have specific questions about submitting an application.

# IMP 5.12 Presentation: Implementation at the international level

Presentation removed to reduce file size

# IMP 5.12 Narrative: Implementation at the international level

### Slide 1. Implementing the Convention at the international level

In the previous sessions participants discussed implementation of the Intangible Heritage Convention at the national level. In this session they will learn about the mechanisms for the implementation of the Convention on the international level. All States Parties have the same right to participate in these mechanisms which are presented in Chapter IV and V of the Convention (Articles 16-18 and 19-24).

### Slide 2. In this presentation…

This presentation discusses in greater detail the two Lists of the Intangible Heritage Convention (The Urgent Safeguarding List (USL) and the Representative List (RL) and the Register of Best Practices (Article 18). It discusses the processes and procedures for making, examining and evaluating nominations to these Lists and to the Register. It then discusses the principles and procedures for international cooperation and assistance.

### Slide 3. Nominations to the Lists and the Register: subtitle

### Slide 4. The Lists of the Convention

These Lists have already been briefly introduced in the introductory sessions. The slide shows the main distinguishing features of the two Lists.

The most important List of the Convention is the Urgent Safeguarding List, i.e. the List of Intangible Cultural Heritage in need of Urgent Safeguarding (established by Article 17 of the Convention). The USL seeks to highlight and promote safeguarding measures for elements at risk, recognizing their value to the communities, groups and individuals who practice and transmit them.

The Representative List, i.e. the Representative List of the ICH of Humanity (established by Article 16), seeks to promote visibility for the ICH and raise awareness about it. The elements inscribed on this List in principle enjoy good viability. The Secretariat of the Convention, instructed by the Committee, disseminates information about inscribed elements on this List and promotes them internationally, thus promoting respect for ICH and for cultural diversity more generally. Elements on the USL are promoted in the same way.

Inscription of an element on these Lists means that the Committee is convinced that the nomination meets the criteria set out in the Operational Directives (OD 1-2), including that the nomination and the proposed safeguarding or management measures enjoy the full support of the community, group or individuals concerned. For the communities concerned, inscription on one of the Lists is an important event: it raises awareness about the element and means that the State recognizes and supports community interest in safeguarding the element. International assistance may be requested from the Fund of the Convention for making nominations to the USL.

By nominating elements to the Lists, States Parties demonstrate that they take the safeguarding of the ICH seriously. They demonstrate that they are making real efforts to implement the Convention by identifying and inventorying elements of ICH at a national level, with the participation of the communities concerned. By making nominations to the RL, States Parties highlight the cultural diversity within their territories and their commitment to raising awareness about this ICH. By making nominations to the USL, they also highlight their commitment to safeguarding activities, assessing the viability of their ICH, and developing safeguarding plans for endangered ICH.

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| The USL is established by Article 17 of the Convention. Criteria for inscription on the List are given in paragraph 1 of the Operational Directives. The first twelve inscriptions onto the USL were made during the Intergovernmental Committee Meeting at Abu Dhabi in 2009. Four more were added at the following meeting of the Committee in 2010 in Nairobi, three from China, one from Croatia (an Uygur festivity (the Meshrep), the watertight-bulkhead technology of Chinese junks, wooden movable-type printing of China, and Croatian Ojkanje singing).  The Representative List is established by Article 16 of the Convention. The criteria for inscription on the List are given in paragraph 2 of the Operational Directives. After the 90 UNESCO Masterpieces of the Oral and Intangible Heritage of Humanity (proclaimed between 2001 and 2005 in the framework of a now defunct UNESCO programme) were integrated onto the RL in 2008, 76 new inscriptions were made to the RL in 2009, and 47 more in 2010, which makes a grand total of 213. When classified by region or country, however, there seem to be more inscriptions than this because some elements are multinational.  The term ‘Representative’ is not defined in the Convention or the Operational Directives. It is variously interpreted to mean representative of the ICH of communities, States or regions, of the various domains of ICH, and of human creativity. The term Representative List was preferred to several other terms that were discussed during the preparation of the Convention that might have introduced the idea of a hierarchy between elements of ICH. The Convention does not wish to create hierarchies between elements by suggesting that some elements – for instance those inscribed on one or the other List of the Convention - are more important than other, non inscribed elements.  For this reason, although in 2008 the Representative List incorporated 90 elements that had been proclaimed as Masterpieces, it has not used the name ‘Masterpieces’ for the List. This approach – avoiding hierarchies between elements - distinguishes the Representative List from the World Heritage List, where selection is based on the criterion of ‘outstanding universal value’. Elements on the Representative List – as well as those on the USL - are primarily of value to the communities that create, enact and transmit them. |

The USL should not be confused with the List of World Heritage in Danger. Under the World Heritage Convention, all nominations are made to the World Heritage List and properties may be transferred to its subsidiary List of World Heritage in Danger if the World Heritage Committee considers them to be at risk.

Under the Intangible Heritage Convention, nominations are made independently to the Urgent Safeguarding List and the Representative List: elements may be nominated to only one of these two Lists. Elements may be proposed for transfer from the RL to the USL if they become less endangered, or *vice versa* (OD 38).

Inscription on the USL should in no way be seen as a sign of failure or as a punitive action: the Convention recognizes that there is much endangered ICH, everywhere in the world, and inscription aims to help in addressing the threats to which the inscribed elements are exposed. The Fund of the Convention is to be used in the first place for providing assistance for safeguarding measures for elements inscribed on this List that are located in developing States.

Because the USL is considered a priority of the Convention, when it prepared the first set of Operational Directives, the Committee regretted that in the Convention, the Representative List is presented before the USL. In line with that view, the Operational Directives were drafted to deal with the USL first. Thus, Article 16 of the Convention introduces the RL, and Article 17 the USL, but the criteria for inscription for the USL are presented in OD 1, and those for the RL in OD 2.

The Committee may decide to delist an element if it considers that it no longer meets the criteria for the list on which it was inscribed (OD 40). OD 80(e) encourages States Parties to involve the communities concerned, as well as experts and their institutions, in decisions preceding the removal of an element from a List, or its transfer from one List to the other.

### Slide 5. Inscriptions, 2008-2010

States Parties may in principle submit any number of nominations for either List: no restrictions are mentioned in either the Convention of the Operational Directives.

However, far more nominations have been made to the Representative List (RL) than to the USL, and far more have been submitted than the Committee can process. Their regional distribution has also been unbalanced. This slide shows inscriptions on the USL, RL and the Register in the period 2008-2010, by regional group.

**Inscriptions on the USL, RL and the Register 2008-2010, by regional group**

**The electoral groups: USL RL**  
I: Western Europe/North America 1 31  
II: Eastern Europe 3 34  
III: Latin America and the Caribbean 0 30  
IV: Asia and the Pacific 10 83  
V(a): Sub-Saharan Africa 2 17  
V(b): Arab States 0 11

Note: The electoral groups are roughly classified above by region; the last group includes an inscription by the Palestinian authority. The total of the RL inscriptions is more than 213 because some multinational nominations are nominated by States in more than one region and are thus counted twice.

Interest in the USL is growing rapidly: for the next round (2011) over 30 proposals were received by the Secretariat. But over a hundred nominations are already waiting in the pipeline for the RL.

The large numbers of nominations to the Representative List have led the Committee, with the blessing of the General Assembly, to limit the number of nominations processed in 2010-2012 and in this process to favour nominations from States Parties that are currently poorly represented on the Lists of the Convention.

Due to the heavy workload borne by the Secretariat and the Subsidiary Body in evaluating RL nominations, in 2009 the Committee decided that for the 2010 round only 54 of the 117 elements that had been nominated to this List would be examined and evaluated. In 2010, the General Assembly decided that special measures had to be put in place to provide sufficient resources to assist the Secretariat and the two examining bodies to assess nominations to the Lists of the Convention.

In view of the still limited capacities of the Secretariat, of the Committee and of its Subsidiary and Consultative Bodies, not all nominations can be processed in 2011 and 2012 either. In November 2010 the Committee decided that in both rounds at least 31 of the nominations (and probably no more than this) will be processed. The discussions on how to cope with the difficult situation are on going. The General Assembly will take a decision on the issue in 2012 or 2014. The best solution would be an increase in the capacities of the Secretariat; the most probable solution will be that the procedures for processing the files for the RL will be somewhat simplified and that numbers of nominations will be restricted in some way.

Under the regime that is applied in the period 2010 to 2012, priority is given to multinational nominations and to nominations from States Parties that are underrepresented on the List – this will help to slightly redress imbalances in the inscriptions on and between Lists (or at least see to it that they do not further increase).

### Slide 6. The Lists of the Convention: assistance

States Parties may apply for funding from the ICH Fund to develop nominations for the USL (using form ICH 05), but not for assistance to develop nominations for the RL. No fixed amounts are determined for such assistance, but the assistance awarded will normally be in the range of US$5,000 to US$10,000.

States Parties may also apply for funding for safeguarding projects contained in nominations proposed to the USL (using form ICH 04) – such requests receive priority over others. Safeguarding measures for elements inscribed on the RL do not receive any special consideration since they are supposed to be viable and healthy. Funding may, of course, also be requested for safeguarding ICH elements within the territory of States Parties that are not inscribed on any list.

As indicated on the slide, and discussed further below, two special organs created by the Committee assist it in the examination of the nomination files. The Consultative Body examines files for the USL (OD 26) and the so-called Subsidiary Organ examines the files for the RL (OD 29) before they are brought, with their recommendations, to the attention of the Committee.

### Slide 7. The Lists of the Convention: nominations

Nominations may be made to either of the two Lists of the Convention; for the moment there is no official limit on the number of files States Parties can submit to the Committee. (See above for a discussion on how and why the Organs of the Convention introduced a limitation on the numbers of files that the Committee will examine in a given year.)

Since the USL is aimed at better safeguarding of intangible heritage whose viability is threatened, in the nomination form for this List (ICH 01) the focus is on viability, threats and safeguarding measures. The nomination form for the RL is ICH 02.

Forms can be downloaded from the website of the Convention:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00184>

As a general rule, all nominations to the Convention’s Lists are presented by the States Parties concerned. They have to have been prepared with the full participation of the communities concerned; in many cases also with the assistance of different kinds of organizations (such as non-governmental organizations, documentation centres and so on) will have played a role as well.

After inscription, every fourth year the State Party has to report about the state of viability and the actions undertaken concerning elements inscribed on the USL (OD 160 – 164); elements inscribed on the RL are reported about in the framework of the 6-yearly reporting obligation of the States Parties (OD 157).

Various parties, including the States Parties concerned, may bring cases of extreme urgency to the attention of the Committee; such cases will be taken into account on an accelerated schedule and evaluated in consultation with the States Parties concerned (OD 1 (U.6), OD 33 and OD 34).

### Slide 8. Which List?

When deciding to nominate an element to one of the Lists of the Convention, it is important to consider which List (USL or RL) is most suitable.

The main criterion for determining this is the viability of the element concerned. Elements suitable for the Representative List should be healthy and viable, while elements suitable for the Urgent Safeguarding List should face significant threats and risks to their viability. Often the choice between the two Lists is not easy to make. There is, of course, a continuum between thriving and almost moribund ICH and the same element may be quite viable in some places, but threatened in others. This means that States have a certain degree of choice in selecting the appropriate List.

It is important to stress that inscription on the USL is not a punishment, that it is not a ‘lesser’ list than the RL. Elements are inscribed on the USL because they are valuable and because they are worth safeguarding, and sharing with the outside world. It is a pretty common condition for ICH to be endangered, and such ICH is to be found in all countries.

A detailed and up-to-date assessment of viability is required to make the correct decision. Elements that are discussed as candidates for nomination should already be listed in an inventory prepared under the responsibility of the State Party concerned. If that is indeed the case, then some information on the viability of the element should be available in the inventory. Even so, it is important to confirm the current state of viability of the element with the community members, if only because circumstances may have changed since information was collected for inventorying purposes. Often, there will be a diversity of opinions on the subject within the community.

A submission to one or the other List requires a detailed and careful assessment of the viability of the element. It does not help to embellish things, or to present the situation as worse than it is in reality (for instance for the sake of ensuring financial assistance) because after an inscription on one or the other of the two Lists, the State Party will be asked to report in great detail on the viability of the element. Note that the reporting cycle for the USL is shorter (every four years after inscription) than for the RL (every six years) (see OD Chapter V).

So far, the examiners and the Committee have not really questioned reports about the state of endangerment of elements nominated by States Parties to the Lists of the Convention. The result is that one can find on the USL a range of more or less seriously endangered elements and on the Representative List a range of more or less viable elements. There is no significant gap between the least viable elements inscribed on the Representative List and the least endangered elements on the USL.

The States Parties are obliged to make reports every four years on elements inscribed on the Urgent Safeguarding List. These reports have to include (OD 162-163): (a) the current status of the element including impacts of safeguarding plans and participation of communities and (b) information on institutions and communities involved in safeguarding. Reports are due by 15 December of the fourth year after the year of inscription, and every fourth year thereafter (OD 161), until the element is delisted, either because it is no longer seriously endangered, or because in spite of all good efforts it has ceased to be practised and transmitted by the community concerned.

States Parties have to make regular reports to the Intergovernmental Committee on the legislative, regulatory and other measures taken for the implementation of this Convention (Article 29). These detailed reports also have to include information on the viability and the management or safeguarding of elements inscribed on the RL (OD 157). Reports are due by 15 December of the sixth year after the year of ratification, acceptance or approval of the Convention, and every sixth year thereafter (OD 152).

The ODs give the Committee the right to remove elements from the Lists of the Convention when they no longer satisfy one or more of the criteria for inscription (OD 39 and 40). The State Party concerned may also request the transfer of an element from one List to the other (OD 38).

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| The Committee will have to study with special care reports about elements that had been so-called ‘Masterpieces of the Oral and Intangible Heritage of Humanity before their integration in the RL. As foreseen by the Convention, all these elements were integrated directly into the RL in 2008. All States Parties concerned will have to report about them in their first report to the Committee. Special attention is required because one of the inscription criteria that had to be satisfied for proclamation of an element as a ‘masterpiece’ was that it had to be endangered. |

### Slide 9. Evaluation criteria

Nominated elements have to meet the criteria listed in the Operational Directives (OD 1-2). The UNESCO nomination forms give guidance for drafting nominations.

* There are 6 criteria for USL nominations (OD 1); numbered U.1 to U.6
* There are 5 criteria for RL nominations (OD 2); numbered R.1 to R.5.

The criteria for the two Lists largely coincide; the differences between them reflect the different aims of the two Lists.

### Slide 10. Criteria common to both Lists

The nomination forms for the USL (form ICH 01) and the RL (form ICH 02) ask questions about the proposed elements, the answers to which may enable the Committee to determine whether they satisfy the relevant set of criteria. The questions on the forms follow these criteria closely. Useful instructions are given on the questionnaire to guide those who complete the files. The forms indicate the maximum number of words required for many of the sections. Entries that exceed the number of words (fewer words are acceptable) will be returned to States Parties for trimming after assessment by the Secretariat.

The forms are available on the UNESCO ICH website: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00184>

The information given in the nomination forms, together with some additional materials, is the basis for an initial, technical assessment by the Secretariat, the substantial examination by the Consultative Body (USL), or the Subsidiary Body (RL), and for the final evaluation by the Intergovernmental Committee (OD 26, 30, 54)).

Nominations to both lists have to fulfil the following criteria:

* U.1 and R.1: The element constitutes ICH as defined in Article 2 of the Convention;
* U.4 and R.4: The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent;
* U.5 and R.5: The element is included in an inventory of the ICH present in the territory(ies) of the submitting State(s) Party(ies), as defined in Articles 11 and 12 of the Convention;

### Slide 11. Criteria specific to the Urgent Safeguarding List

There are three criteria that are specific to the USL: U.2, U.3 and U.6:

* U.2(a) The element is in urgent need of safeguarding because its viability is at risk despite the efforts of the community, group or, if applicable, individuals and State(s) Party(ies) concerned; or
* U.2(b) The element is in extremely urgent need of safeguarding because it is facing grave threats as a result of which it cannot be expected to survive without immediate safeguarding.

The criterion U.3 requires that the dangers and threats that impair the viability – and their gravity – be clearly indicated.

* U.3: Safeguarding measures are elaborated that may enable the community, group or, if applicable, individuals concerned to continue the practice and transmission of the element;

This criterion requires that detailed and realistic measures be elaborated, together with the community concerned, to address the threats to its viability that have been identified.

* U.6 In cases of extreme urgency, the State(s) Party(ies) concerned has (have) been duly consulted regarding inscription of the element in conformity with Article 17.3 of the Convention.

Up till now the Committee has not been confronted with cases of extreme urgency.

**Cases of extreme urgency** are discussed in OS 33 and 34: they may be brought to the attention of the Committee by the State(s) Party(ies) concerned, or the community concerned or by an advisory organization (OD 34); the Bureau of the Committee (presuming that the case is reported between sessions of the Committee) may then invite the State(s) Party(ies) concerned to submit extremely urgent nominations, which will be evaluated as soon as possible (OD 33), in consultation with them.

**OD 33:** In case of extreme urgency, and in conformity with Criterion U.6, the Bureau of the Committee may invite the State(s) Party(ies) concerned to submit a nomination to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding on an accelerated schedule. The Committee, in consultation with the State(s) Party(ies) concerned, shall evaluate the nomination as quickly as possible after its submission, in accordance with a procedure to be established by the Bureau of the Committee on a case-by-case basis.

**OD 34:** Cases of extreme urgency may be brought to the attention of the Bureau of the Committee by the State(s) Party(ies) on whose territory(ies) the element is located, by any other State Party, by the community concerned or by an advisory organization. The State(s) Party(ies) concerned shall be informed in a timely manner.

### Slide 12. Criteria specific to the Representative List

The nomination form for the Representative List (ICH 02) will be discussed more fully in another workshop, but for comparative purposes the specific criteria for inscription of an element on this List are presented here:

* R.2 ‘Inscription of the element will contribute to ensuring visibility and awareness of the significance of ICH and to encouraging dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity.’

This means that States submitting an element for the RL have to prove that the element, once inscribed, may be used by the State Party and the Secretariat of the Convention to raise visibility of the ICH and awareness of its importance in a larger framework of the promotion and protection of cultural diversity and human creativity.

* R.3 Safeguarding measures are elaborated that may protect and promote the element.

Since elements proposed for this List are healthy and viable in principle, one expects that to meet this criterion the submitting States Parties will propose in the first place measures to manage the element, thereby taking into account possible effects of inscription that might have a negative impact on the element’s viability. If aspects of the element are nevertheless threatened to some extent, appropriate safeguarding measures to address these threats should be prepared and presented in the file.

### Slide 13. the Register of Best Safeguarding Practices

Article 18 of the Convention asks the Committee to select programmes, projects and activities aimed at the safeguarding of ICH that best reflect the principles and objectives of the Convention from those nominated by States Parties. Article 18.1 requires the Committee to elaborate selection criteria to this end and Article 18.3 requests the Committee to disseminate information about the selected best practices.

The Committee attaches great importance to this Article. It has already elaborated criteria and procedures in the form of Operational Directives and these have been approved by the General Assembly.

Nominations to the Register of Best Safeguarding Practices use form ICH 03. Preparatory assistance may be requested for making these nominations, using form ICH 06.

The criteria used for the evaluation of these nominations are presented in OD 7. Other ODs inform the States Parties that the Committee particularly welcomes nominations concerning on-going and completed programmes (OD 5) that involve international cooperation (OD 4) and that pay special attention to the needs of developing countries (OD 6).

OD 42 to 46 explain how the Committee will disseminate the selected programmes (in a Register (OD 44) of best (safeguarding) practices (OD 46)), and how it will further research the selected programmes (OD 42) and their effectiveness (OD 45).

So far three programmes, projects or activities were nominated by the States Parties and selected as best practices. After their inclusion on the Register, the Committee and Secretariat promote them so that other countries and people working in the field may learn from their experiences. An example of one of the elements on the Register was discussed in the introductory session: the *Centre for traditional culture – school museum of Pusol pedagogic project.*

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&Art18=00306>

### Slide 14. Examining bodies

Two special bodies, appointed by the Committee (OD 26 and 29), examine nominations to the List and the Register. The two bodies submit a report of their deliberations to the Committee, with their recommendations; in its final evaluation the Committee generally follows these recommendations.

Nominations to the RL are assessed by a Subsidiary Body of the Committee consisting of six States Members of the Intergovernmental Committee (OD 30). A Consultative Body, consisting of 6 NGO representatives and 6 experts examines nominations to the USL and the Register of Best Safeguarding Practices (OD 26; this is being done on an experimental basis).

The duration of office of a member of the Consultative Body shall not exceed 24 months; at every Committee meeting it will be reconstituted and half of its members will continue to serve on the body for another year to ensure continuity.

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| At the fifth Committee meeting (November 2010), representatives of the following States Members of the Committee were appointed to the Subsidiary Body: Italy, Croatia, Venezuela, Republic of Korea, Kenya and Jordan. See:  <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00368> |
| The first Consultative Body, created at the same session of the Committee, is composed of six NGOs: |
| Craft Revival Trust (India)  African Cultural Regeneration Institute (Kenya)  Association Cont’Act pour l’éducation et les cultures (Morocco)  Fundacion Erigaie (Colombia)  Maison des cultures du monde (France)  Česká národopisná společnost / Czech ethnological Society (Czech Republic) |
| and six individual experts: |
| Pablo Carpintero (Spain)  Rusudan Tsurtsumia (Georgia)  Guillermo Sequera (Paraguay)  Adi Meretui Ratunabuabua (Fiji)  Claudine-Augée Angoué (Gabon)  Abderrahman Ayoub (Tunisia) |

### Slide 15. Nominations timetable

By 31 March of every year, nominations for both Lists and the Register have to be submitted to the UNESCO Secretariat. Assessment of these files follows somewhat different procedures, but if all goes well, may lead to inscription in the latter part (usually November) of the following year.

If nomination files are incomplete, the Secretariat will request additional information before 30 June. States Parties are given until 30 September to complete their files before they go to examination by the Consultative or Subsidiary body (OD 54).

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| The Secretariat will examine the nomination files for the USL in greater detail than nominations for the RL. In line with that, OD 36 foresees that if a RL nomination remains incomplete, the Committee may refer it back to the submitting State Party. These nominations have to be completed before they can be resubmitted at a later date. |

Between December of that year and May of the following year, the Consultative Body examines USL and Article 18 nominations and the Subsidiary Body of the Committee examines RL nominations. By June these bodies finalize their recommendations to the Intergovernmental Committee.

Between September and November of the second year, during its ordinary session the Intergovernmental Committee evaluates the files and decides whether or not to inscribe the nominated elements on the Lists or the Register (OD 35-37).

Nominations to the USL and Register that are considered by the Committee to comply with the criteria in OD 1 or OD 7 respectively, are inscribed. Nominations to the USL that have not led to an inscription may be resubmitted in a later round. No procedures for resubmission of nominations to the Register are currently provided for in the ODs.

For the Representative List things are more complicated in the final stage: the Committee may decide

* + To inscribe the nominated elements;
  + To refer them back to the States Parties concerned for completion (the files may then be resubmitted the following year, OD 36), or
  + To reject them, in which case they cannot be resubmitted until 4 years have passed, OD 37.

Preparatory assistance requests for USL and Article 18 nominations have the same deadline of 31 March of every year. These requests are evaluated and approved by the Bureau of the Committee at short notice. The nomination files prepared with such assistance may be submitted before the 31 March deadline the following year, which means that there is at least 2 and a half years between the deadline for the request for preparatory assistance and the evaluation of the nomination by the Committee.

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| Inscription of elements on the lists of the Convention happens in the ordinary session of the Intergovernmental Committee, between September and November each year. Those attending the meeting include: |
| * The 24 States Parties who are Committee members, |
| * Representatives of other States Parties to the Convention, |
| * Representatives of some States that have not ratified the Convention, |
| * The UNESCO Secretariat, |
| * Representatives of NGOs accredited under the Convention, and |
| * Other interested parties, mainly from the country that hosts the meeting (inscriptions have already taken place in Istanbul (2008), Abu Dhabi (2009), and Nairobi (2010)). |
| The inscription of an element is the culmination of an 18-month process of examination and evaluation of the nomination files. Nomination files that are unlikely to be successfully inscribed are usually withdrawn by the States Parties concerned after they are informed by the Secretariat of the negative recommendation by the examining body. States Parties may withdraw a nomination file at any time before the Committee’s session (OD 24). An inscription decision is prepared by the Secretariat for each file, on the basis of the examination and the recommendation by the Consultative or Subsidiary Body. It is sent to the Committee members one month before the beginning of the session and simultaneously published on the website of the Convention. At the Committee meeting the UNESCO Secretariat then reads out the inscription decision.  Before the beginning of the inscription ceremony, the report of the examining body that has examined the files is presented; so far, there have been two reports from the Subsidiary Body summarizing the discussions they have had and their reflections on the evaluation task. These reports, which are available on the websites of the Committee meetings in question, are important documents. The Subsidiary Body reports presented at the fourth and fifth sessions of the Committee gave rise to substantial discussions in the Committee.  The Committee then evaluates the nomination files, a process which is largely a ceremonial affair. After some very brief comments from a few Committee members, and often without any comment at all, the elements are inscribed on the appropriate lists. A representative of the State Party concerned, and perhaps also of the community or group concerned, may give a word of thanks. They may not ask for the floor during the evaluation of the element proposed by them for inscription – according to rule 22.4 of the Rules of Procedure of the Committee (to be found in *Basic Texts* and on the website of the Convention). |

### Slide 16. International cooperation and Assistance: subtitle

The first objective of the Convention *is to safeguard the ICH* (Article 1(a)), which *the international community* should achieve, according to the Preamble of the Convention, *in a spirit of* *cooperation and mutual assistance*. In line with this, the fourth and last of the objectives of the Convention mentioned in Article 1 is *to* *provide for international cooperation and assistance*. Chapter V of the Convention, Articles 19 to 24, contains provisions concerning international cooperation and assistance.

### Slide 17. International cooperation and assistance

The Convention and the Operational Directives insist on international cooperation between the States Parties on the bilateral, sub-regional, regional and international levels. The ODs also encourage cooperation between communities, experts, specialized organizations and institutions of different States Parties.

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| The Convention and the ODs use the term ‘local’ to refer to levels below the national one – see, for instance Article 1(c): ‘raising awareness at the local, national and international levels.’ ‘Regional cooperation’ is cooperation between States in the same region or continent, ‘sub-regional cooperation’ is between States in the same subcontinent or sub-region; ‘international cooperation’ is between two or more States, whatever their relative location. |

Article 19.1 of the Convention explains what is understood by ‘international cooperation’:

*For the purposes of the Convention, international cooperation includes, among other things, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the ICH.*

In several places the Operational Directives encourage States Parties to work together concerning ICH that is present on the territory of two or more States Parties (cross-border or shared heritage). All over the world there are countless examples of such heritage.

In the reports that the States Parties have to submit every six years to the Committee about the measures undertaken by them for the implementation of the Convention, they are explicitly requested to report about measures taken at the international level and joint initiatives with other States Parties (OD 156).

**International assistance** is financial assistance granted by the Committee from the Fund of the Convention; each State Party may submit requests for such assistance.

International cooperation may include:

* Exchange of information and expertise;
* Joint safeguarding of shared heritage; this may include multinational nominations (discussed below);
* Cooperation between community organizations, NGOs, institutions on the regional level and cooperation within the framework of Category II centres about ICH safeguarding; and
* Participation in the Organs of the Convention.

Because the Convention’s approach is relatively new, much work needs to be done in developing methodologies and sharing examples of good practices in the field of intangible heritage safeguarding and management. States Parties will benefit from assisting each other (especially on the regional and sub-regional levels), providing expertise and information, and from sharing experiences about safeguarding ICH. This can make their safeguarding activities more targeted and more cost-effective. In the Operational Directives, countries are encouraged to cooperate and collaborate through Category II centres (see Hand-out 5.3).

### Slide 18. Multinational actions regarding shared heritage

An ICH element is often not restricted to the territory of a single State Party – we speak then about cross-border, or internationally shared, heritage. Often, communities have been divided by arbitrary borders - the unwitting victims or beneficiaries of distant political deals. An ICH element is thus frequently shared across borders and, with communities of emigrants, also between more distant countries. Because intangible heritage is linked to people, it travels with them. People move around all the time, whether voluntarily or involuntarily, nowadays mostly as emigrants, refugees and as tourists. ICH can also be borrowed between communities and thus become shared heritage.

Shared ICH elements – and the associated communities - may benefit from being safeguarded jointly by all countries concerned; this may enhance understanding between States as well as between communities. The Convention thus encourages multinational nominations, requests and safeguarding projects and will give priority to them for financial assistance. Similarly, when confronted with the impossibility of dealing with all the nominations for the RL, the Committee decided to give the highest priority to multinational nominations.

In cases of shared heritage, safeguarding may best be achieved through collaboration between the communities or groups concerned, wherever they live.

States Parties are, of course, also encouraged to develop joint safeguarding projects. Joint safeguarding and documentation activities and joint preparation of nomination files, together with the communities concerned, may also foster cooperation and understanding between States in cultural and other domains.

**OD 13** encourages joint nominations to the Urgent Safeguarding List and to the Representative List.

**OD 15** specifically encourages the joint submission, for selection as best safeguarding practices, of ‘sub-regional or regional programmes, projects and activities as well as those undertaken jointly by States Parties in geographically discontinuous areas’.

**OD 88** calls upon States Parties to ‘participate in activities pertaining to regional cooperation, including those of category II centres for ICH’, and **OD 86** encourages them to develop, at the sub-regional and regional levels, networks of communities, experts, centres of experts and research institutes to develop joint approaches, particularly ‘concerning the elements of ICH they have in common’.

When evaluating requests for international assistance to be financed from the Fund of the Convention, priority will be given, among other things, to requests concerning programmes, projects and activities carried out at the national, sub-regional and regional levels (**OD 9c**). The programmes, projects and activities that the Committee will select as best practices, should, among other criteria, promote the coordination of efforts for safeguarding ICH on regional, sub-regional and international levels (**OD 7 (P2)**). **OD 4** states that at each session the Committee may explicitly call for proposals characterized by international cooperation.

In their six-yearly reports to the Committee about the state of the safeguarding of the ICH present in their territories, the States Parties are requested to include information on the measures taken by them at the bilateral, sub-regional, regional and international levels for the implementation of the Convention (**OD 156**).[[58]](#footnote-58)

### Exercise (30 mins): a sample shared element

In this exercise participants are introduced to a sample shared element and then may be invited to discuss various questions about multinational nominations.

In East Africa, there is a lake located in Country A that is considered sacred by a community living on both sides of the border of Country A and Country B. The border, which was drawn during colonial times, cut across the land on which this community still grazes its cattle. The community, divided into various small villages, continues to cross the border to graze their cattle at different times of the year. Many members of the community have not formally become citizens of either country. Young men of a certain age from various villages within the community conduct a pilgrimage journey to the sacred lake every five years. The governments of the two countries allow the free movement of these young men across the border at such times. The pilgrimage is the climax of a whole series of rituals of initiation into manhood, including physical training and education, that bring members of different villages together. These initiation rituals are conducted in villages on both sides of the border. The knowledge about how to conduct the rituals of initiation and the pilgrimage has been passed down through many generations, and it is a way of teaching young men their role in the society. It is central to the identity and sense of continuity of this nomadic community. Its viability is not under threat, and it continues to be practised every five years.

#### Consider the following questions:

To which List of the Intangible Heritage Convention might a nomination be made, if the community concerned agrees?

Because the pilgrimage involves a place, does this mean that a nomination should be made to the World Heritage List instead of to a List of the Intangible Heritage Convention?

If a nomination is made to one of the Lists of the Convention, should all the rituals of initiation be included in the nomination, or just the pilgrimage to the lake?

If a nomination is made to one of the Lists of the Convention, does it have to be submitted by the governments of Country A, Country B or both countries?

Imagine that Country A is a State Party to the Convention; Country B is not. Can they make a multinational nomination of this shared heritage to one of the Lists of the Convention?

Can this shared heritage be nominated to one of the Lists of the Convention by Country A alone?

When Country B ratifies the Convention, is it obliged to join the nomination made by Country A or could it make a new nomination to one of the Lists of the Convention?

If the communities concerned are not all citizens of Country A or Country B, can their heritage be nominated to one of the Lists of the Convention?

#### Some frequently-asked questions:

1. Can immigrant ICH be inventoried / nominated by the State Party where they have recently moved? (Yes, as long as the ICH is enacted / transmitted on the territory of the State Party and it fulfils the other relevant criteria in OD 1 or 2)
2. Can the ICH of nomadic or stateless people be inventoried / nominated by a State Party? (Yes, as long as the ICH is enacted / transmitted on the territory of the State Party and it fulfils the other relevant criteria in OD 1 or 2)
3. Can the ICH of geographically dispersed communities be inventoried / nominated by a State Party? (Yes, as long as the ICH is enacted / transmitted on the territory of the State Party and it fulfils the other relevant criteria in OD 1 or 2)
4. How can the ICH of communities or nations unrecognized by States Parties in whose territories they reside be recognized in inventories or the Lists of the convention? (Generally not possible, except in cases of extreme urgency, see OD 34)
5. How can endangered ICH be safeguarded if the State Party concerned does not recognize it? (Communities concerned and those permitted to assist them (including NGOs) will probably undertake safeguarding in such cases; in cases of extreme urgency, see OD 34, parties other than the State Party may bring an element to the attention of the Bureau)
6. Can the same or very similar elements be nominated / inventoried by several countries independently? (Yes, as long as the ICH is enacted / transmitted on the territory of the States Parties nominating or inventorying the element)
7. Does one State Party have veto power over a nomination by other countries? (No but it may express itself against inscription if it happens to be a Committee Member.)
8. How much information is required on the ICH performed / practised outside the country nominating / inventorying it? (Most information should pertain to the ICH performed / practised inside the country nominating / inventorying it, but some context should be provided on related practice outside the country)
9. Are State Parties obliged to make multinational nominations for shared heritage? (No, but in cases where the heritage is shared, they are strongly encouraged to do so (OD 13). If a shared element has already been inscribed on one of the Lists of the Convention, other States Parties may apply to extend the nomination (OD 14) to include the ICH practised / transmitted on their territories - if all stakeholders agree)

### Slide 19. International assistance

International assistance is paid from the Intangible Heritage Fund, established by Article 25 of the Convention to support the safeguarding of ICH.

The Committee may grant international assistance to States Parties for activities aimed at safeguarding ICH as defined by the Intangible Heritage Convention. ‘Safeguarding’ may be widely interpreted, also including, for instance, inventory making and capacity building. International assistance is paid from the Fund of the Convention.

At every ordinary session of the General Assembly the Committee presents a plan for the use of the Fund of the Convention for a two-year period. When this period is over, the Committee has to report about the actual use made of the Fund.

In Article 25, the Convention establishes an Intangible Heritage Fund to support the safeguarding of ICH.

There are two main sources of funding for the Intangible Heritage Fund

* **Contributions of States Parties to UNESCO**: Article 26.1 of the Convention strongly encourages States Parties to pay an annual contribution to the Intangible Heritage Fund in proportion to their Gross Domestic Product (at the moment that contribution is fixed at 1% of the States Parties’ annual contribution to UNESCO).

A State may declare, when it deposits its instrument of ratification, that it shall not be bound by Article 26.1. The States Parties concerned (four States so far have made this declaration) are expected to contribute an amount that is as close as possible to the amount they would have paid, had they not made this declaration, and to withdraw this declaration at their earliest convenience – see Article 26.2 and 26.3).

The Fund receives at present about US$1.5 million per year in the form of ‘compulsory’ contributions (i.e. in conformity with Article 26.1); what individual States Parties have to contribute varies from over half a million to a few hundred USD.

* **Voluntary supplementary contributions**: States Parties may make additional financial contributions (Article 27, OD 68 – 75).

States Parties and other agents have also made voluntary contributions for ICH-related projects and programmes directly to UNESCO. They are, however, nowadays increasingly sending such contributions to the Fund of the Convention. The States Parties concerned include Japan, Norway, Flanders (Belgium), Italy and the Republic of Korea. Japan funds-in-trust have supported a large number of safeguarding projects in the last 8 or 9 years – one example is a project safeguarding the traditional foodways of two communities in Kenya (2009). At present Flanders supports pilot projects concerning community based inventory making in six Sub-Saharan African countries. In November 2010 Norway offered a very substantial amount for the financing of capacity-building activities in African and Latin American countries.

Voluntary contributions may also come from other sources than States Parties: companies like Asahi Shimbun (Japan) and SAMSUNG (Korea) have already contributed to the Fund. The European Union was the main sponsor for the MEDLIHER project, which supports the implementation of the Convention in Egypt, Jordan, Lebanon and the Syrian Arab Republic.

MEDLIHER = Mediterranean Living Heritage: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00226>.

### Slide 20. Aims of international assistance

According to Article 20 of the Convention international assistance, provided by the Fund of the Convention, is intended to support a number of priority areas relating to the safeguarding of ICH:

* Safeguarding of elements on the Urgent Safeguarding List;
* The preparation of inventories;
* Support for programmes, projects and activities aimed at the safeguarding of ICH on the national and international level; and
* Any other purpose the Committee may deem necessary. This includes capacity building and preparatory assistance (i.e. for preparing nomination files for the Urgent Safeguarding List and the Register of best safeguarding practices– see OD 9(d), 16, 18, 66 and 67).

International assistance is supplementary to national efforts for safeguarding ICH (OD 8 and OD 12 (A.5)).

International assistance to developing States Parties is prioritized (OD 10).

### Slide 21. Funding available for

The Operational Directives (OD 9) say that ‘The Committee may receive, evaluate and approve requests for any purpose and for any form of international assistance mentioned in Articles 20 and 21 of the Convention respectively, depending on the available resources’.

Article 21 of the Convention provides some very detailed examples of expenditures for which international assistance may be used:

* Studies concerning various aspects of safeguarding;
* Provision of experts and practitioners;
* Travel and allowances for experts and practitioners;
* The training of all necessary staff;
* The elaboration of standard-setting and other measures;
* Studies concerning aspects of safeguarding;
* The creation and operation of infrastructures;
* The supply of equipment and know-how; and
* Other forms of financial and technical assistance, including the granting of low-interest loans and donations.

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| Note: A detailed discussion of Article 21 is unnecessary here but the article is discussed in detail below for the facilitator’s information.  According to Article 21 of the Convention, international assistance can be used for a number of purposes: |
| * *Studies concerning various aspects of safeguarding*. |
| Article 13 says States Parties should try to ‘foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage’. |
| * *Provision of experts and practitioners*; |
| The Operational Directives (OD 86-88) encourage States Parties to promote international and regional cooperation involving ‘communities, groups and, where applicable, individuals as well as experts, centres of expertise and research institutes’ for example to share safeguarding ideas, and documentation. Experts and practitioners who are involved in the preparation of nomination files and safeguarding measures may also have to be paid for their services. |
| * *The training of all necessary staff*. |
| Article 14 refers to the need for States Parties to undertake ‘capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research’. |
| * *The elaboration of standard-setting and other measures*. |
| Article 13 asks States Parties to try and ‘adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes. The Operational Directives encourage States Parties to ‘promote policies for the public recognition of bearers and practitioners of intangible cultural heritage’ and ‘support the development and implementation of local policies aiming at promoting awareness of intangible cultural heritage’ (OD 105). Some of the possible aims of policies developed by States Parties are detailed in OD 107. |
| * *The creation and operation of infrastructures*. |
| Article 13 refers to ‘institutions for training in the management of the intangible cultural heritage’ and to ‘documentation institutions for the intangible cultural heritage’. The Operational Directives encourage States Parties ‘to create a consultative body or a coordination mechanism to facilitate the participation of communities, groups and, where applicable, individuals, as well as experts, centres of expertise and research institutes’, as well as networks of these stakeholders (OD 80, 86­). |
| * *The supply of equipment and know-how*. |
| * *Other forms of financial and technical assistance, including the granting of low-interest loans and donations*.   Such a request has not yet been submitted to the Committee. |

### Slide 22. Safeguarding traditional Somali performing arts

This is an example of a project for which financial assistance was granted under the UNESCO/Japanese Funds in Trust for ICH.

In 2008 and 2009 a project called Safeguarding Traditional Somali Performing Arts was undertaken among Somali speakers in North-Eastern Kenya and Nairobi. Somali-speaking Kenyan communities have historically lived in North-eastern Kenya; many Somalian refugees now live both in that region and in Nairobi. The political situation did not allow for similar activities to be carried out in Somalia itself. The project involved:

* The identification of traditional performing arts of Somali-speaking communities in the North Eastern Province in Kenya;
* The preparation of a draft inventory of those traditions (a list with descriptions of identified elements was drafted and may be integrated in larger inventories); and
* The acquisition of existing audio-visual materials related to the traditional performing arts of Somali people (materials were collected and made available in some public institutions).

The UNESCO/Japanese Funds in Trust provided US$40,000 for this project, the results of which were disseminated in digitized form in a few relevant institutions in the area. It is hoped that this project may contribute to the identification and inventorying of ICH present in Somalia as soon as the political situation will allow.

### Slide 23. Requests approved by the Intergovernmental Committee at its fourth session (4.COM), Abu Dhabi, 2009

Three requests for International assistance greater than US$25,000 were submitted before the statutory deadline in 2009:

* A request from Kenya for a project called ‘Traditions and Practices Associated to the Kayas in the Sacred Forest of the Mijikenda’, for an amount of US$126,580;
* One from Mauritius for ‘documentation and inventory of ICH in the Republic of Mauritius’, for an amount of US$52,461;
* And a second from Mauritius for the ‘inventory of ICH elements pertaining to the indenture experience in the Republic of Mauritius’, for an amount of US$33,007.

The requests had each been examined by two examiners appointed by the Bureau of the Committee, as laid out in decision 3.COM 10, that took into account their relevant competence, regional particularities, language, safeguarding measures, and the need for geographical balance.

In the box below, two of the three Committee decisions are presented as they were adopted; the facilitator may wish to read one of them aloud, to sensitize the participants to the wordings of such texts and – for instance – the additional conditions such decisions may take.

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| **DECISION 4.COM 11.01**  The Committee,  Having examined document ITH/09/4.COM/CONF.209/11 and its annexes, and having examined the request for international assistance submitted by Kenya entitled ‘Traditions and practices associated to the Kayas in the Sacred Forests of the Mijikenda’ (file number 00326);  Recalling Chapter V of the Convention and Chapter II of the Operational Directives;  Commends the State Party for the creativity and diversity of the activities proposed in its request, for its commitment to ensuring the participation of the communities concerned in their implementation and for its attention to an approach to safeguarding intangible cultural heritage together with the natural environment in which it is practised;  Takes note that the examiners appointed to examine the request have presented their reports to the Committee, incorporated within Annex 1 of Document ITH/09/4.COM/CONF.209/11, in which they recommend the request be approved but raise a number of questions and provide comments regarding the request, as submitted;  Approves the request in the amount of US$126,580;  Invites the State Party to prepare, at the earliest opportunity, a revised project that takes into account insofar as possible the comments of the examiners and of the Committee during its debates;  Requests the Secretariat to assist the State Party, if necessary, in this process of revision.  **DECISION 4.COM 11.02**  The Committee,  Having examined document ITH/09/4.COM/CONF.209/11 and its annexes, and having examined the request for international assistance submitted by Mauritius entitled ‘Documentation and inventory of intangible cultural heritage in the Republic of Mauritius’ (file number 00327);  Recalling Chapter V of the Convention and Chapter II of the Operational Directives;  Further recalling Articles 11 and 12 of the Convention;  Commends the State Party for its commitment to meet its obligations to draw up one or more inventories of the intangible cultural heritage present in its territory, and welcomes its initiative in requesting international assistance to supplement national resources available for that purpose;  Takes note that the examiners appointed to examine the request have presented their reports to the Committee, incorporated within Annex 2 of Document ITH/09/4.COM/CONF.209/11, in which they recommend the request be approved;  Approves the request in the amount of US$52,461;  Invites the State Party, in its implementation of the proposed activities, to take into account the comments of the examiners, and of the Committee in its present debate;  Requests the Secretariat to reach agreement with the State Party on the technical details of the assistance. |

The facilitator might add that during its fifth session (Nairobi, 2010) the Committee approved one request, from Belarus, for an amount of US$133,600 for a project called ‘Establishing the national inventory of the ICH of Belarus’.

### Slide 24. Making an application: forms

States Parties, not individuals, communities or institutions, apply for international assistance under the Convention. Any State Party to the Convention may make applications for international assistance; in practice only developing countries tend to apply. Applications may come from one or more States Parties to the Convention.

Three different forms are used for applications for international assistance:

(i) **Form ICH 04** is the most general form of the three; it is used for requesting three types of international assistance:

* Regular assistance under US$25,000
* Regular assistance over US$25,000
* Emergency assistance (any amount)

Form ICH 04 is subject to different deadlines and different evaluation procedures, depending on the amount requested and whether the request concerns regular or emergency assistance.

(ii) **Form ICH 05** is used for requesting funding for the preparation of nomination files for the Urgent Safeguarding List. No fixed amounts are determined for such assistance, but the assistance awarded will normally be in the range of US$5,000 to US$10,000.

Possible activities to be funded through preparatory financial assistance include the preparation of required audio-visual material for the nomination file, the provision of expert assistance or translation services, and the organization of community consultations. The UNESCO secretariat cannot provide technical assistance for the development of specific nomination files, so no costs associated with the travel and expenditures of UNESCO personnel can be included in an assistance request.

(iii) **Form ICH 06** is used for requesting funding for preparing nominations to the Register of Best Practices (in the language of the ODs, ‘for preparing proposals of programmes, projects or activities for possible selection and promotion as best reflecting the objectives of the Convention’). These programmes may be underway or completed. The funding can be used to write an assessment of the project and explain why it was a good project, but not to implement the project. Here, too, no fixed amounts are determined for such assistance, but the assistance awarded normally will be in the range of US$5,000 to US$10,000.

Example budgets are available in Form ICH 04.

There are no specific guidelines on what kinds of budget line items are permitted in International Assistance requests – each project is assessed on its own merits. For instance, expenditures for personnel, equipment, transport and materials are all permitted, as long as they are priced at a level the Committee considers reasonable, and if they are relevant and appropriate to the safeguarding project. Budgets should be detailed enough to enable assessment and tracking of expenditure. It is difficult to change budget line items after funding has been granted and contracts drawn up, so it is important for applicants to ensure that their budgets are likely to remain appropriate as the project progresses.

### Slide 25. Making an application: timetable

States Parties are required to submit the forms for regular international assistance requests over US$25,000 and for the two types of preparatory assistance to the Secretariat by 31 March. Other requests (emergency requests of any amount and other regular (i.e. non-preparatory) requests under US$25,000) may be submitted at any time.

Requests under US$25,000, requests for preparatory assistance and emergency requests will be examined and decided by the Bureau of the Committee. Whereas the Committee meets – in principle – once a year, its Bureau meets more frequently. Therefore, the evaluation process for emergency and preparatory assistance requests, as well as for requests under US$25,000, is much shorter (a few months) than the process for evaluating requests over US$25,000 (which takes about a year and a half).

Requests over US$25,000 will be examined by the special Consultative Body (established annually by the Committee), for final evaluation and decision by the Committee. After the deadline of 31 March, this process takes about 18 months. After submission, the Secretariat will ask the States Parties concerned for additional information, if necessary. In November of the same year the requests will be submitted to the newly constituted Subsidiary Body for examination. The following year that the Committee receives their recommendations and can evaluate the request to make a positive or negative decision.

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| **Deadlines and Procedures for international assistance requests (OD 54 and 55)**  Note that there are no deadlines for requests for international assistance under 25,000 USD (except requests for preparatory assistance, see below), nor for emergency requests. These two categories of request can be submitted at any time of the year and will be evaluated at short notice by the Bureau of the Committee. | | |
| From OD 54. | 31 March | Deadline for preparatory assistance requests for the elaboration of nominations for the Urgent Safeguarding List and for the Register of Best Practices.  (Note: These requests are examined and evaluated at relatively short notice by the Bureau of the Committee; the Secretariat informs the submitting States Parties within two weeks of the decisions of the Bureau.) |
|  | 31 March  Year 1 | Deadline by which international assistance requests greater than US$25,000 must be received by the Secretariat. Files received after this date will be examined in the next cycle. |
|  | 30 June Year 1 | Deadline by which the Secretariat will have processed the files, including registration and acknowledgement of receipt. If a file is found incomplete, the State Party is invited to complete the file. |
|  | 30 September Year 1 | Deadline by which missing information required to complete the files, if any, shall be submitted by the State Party to the Secretariat. Files that remain incomplete are returned to the States Parties that may complete them for a subsequent cycle. |
| From OD 55. | December Year 1 – May Year 2 | Examination of the files by the Consultative Body. |
|  | April – June  Year 2 | Meetings for final examination by the Consultative Body.  (When the Body has formulated its recommendations, these are first communicated to the submitting States Parties who have the right until the session of the Intergovernmental Committee to withdraw their requests) |
|  | Four weeks prior to the session of the Committee | The Secretariat transmits the examination reports to the members of the Committee. The files and examination reports will also be available on-line for consultation by States Parties. |
| OD 56. | Phase 3: | Evaluation |
|  | November Year 2 | The Committee evaluates the requests and makes its decisions. |

### Slide 26. Evaluation criteria for international assistance requests

The evaluation criteria are for international assistance requests are as follows (OD 12):

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| **A.1** | The community, group and/or individuals concerned participated in the preparation of the request and will be involved in the implementation of the proposed activities, and in their evaluation and follow-up as broadly as possible. |
| **A.2** | The amount of assistance requested is appropriate. |
| **A.3** | The proposed activities are well conceived and feasible. |
| **A.4** | The project may have lasting results. |
| **A.5** | The beneficiary State Party shares the cost of the activities for which international assistance is provided, within the limits of its resources. |
| **A.6** | The assistance aims at building up or reinforcing capacities in the field of safeguarding intangible cultural heritage. |
| **A.7** | The beneficiary State Party has implemented previously financed activities, if any, in line with all regulations and any conditions applied thereto. |

### Slide 27. Priority may be given to

In evaluating international assistance requests, priority may be given to (OD 10):

* Special needs of developing countries
* Requests that imply cooperation at the bilateral, regional or international levels
* Cross-border (shared) ICH (OD 15)
* Projects that may have multiplier effects

An additional consideration is to ensure the equitable geographical distribution of funded projects.

However, it should be noted that these prioritizations only come into effect when the requests for assistance exceed the capacity of the fund, which is not currently the case.

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| OD 10. | When evaluating requests for international assistance, the Committee shall take into account the principle of equitable geographical distribution and the special needs of developing countries. The Committee may also take into account whether:   1. the request implies cooperation at the bilateral, regional or international levels; and/or 2. the assistance may have a multiplier effect and may stimulate financial and technical contributions from other sources. |

### Exercise (30 mins): questions about applying for funding

If time permits, participants would now have an opportunity to read and discuss the forms for IA, if they will be applying for funding.

# IMP 5.13 Lesson plan: Intangible heritage policies and institutions

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| **Title of activity: Implementing the Convention 5.13 –** **Intangible heritage policies and institutions** |
| Duration: 2 hours |
| Objective(s):  Establish understanding of the recommendations in the Convention and ODs concerning:   * The adoption (or reinforcement) of policies and legislation; and * The establishment (or reinforcement) of administrative frameworks and institutions   for safeguarding the ICH.  Establish understanding of the importance of creating or supporting several kinds of organizations at the institutional level, including one or more competent bodies with responsibility for safeguarding and institutions for training in managing and safeguarding ICH, and fostering academic studies and research. |
| Description:  IMP Presentation 5.13   * What are legal and institutional frameworks for? * The frameworks supporting safeguarding of the Yamahoko float ceremony (Japan) * Local frameworks (and examples) * National frameworks (and examples) * International frameworks (and examples) * Guidelines and codes of ethics * Case studies / examples:   + Yamahoko (Japan)   + Irrigators’ Tribunals (Spain)   + Village Development Committees (Nepal)   + Heemkunde Vlaanderen and FARO (Belgium)   + South African legal and institutional system   + The toi iho trademark (New Zealand)   + Research ethics in Brazil |
| Supporting documents:  IMP Presentation 5.13 plus narrative |

**Notes and suggestions:**

This session is intended to illustrate how policies and institutions can support safeguarding, collaboration and other activities in implementing the Convention.

Building on its use in the Roles of Stakeholders session, the role of international, regional and local policies and institutions in supporting the safeguarding of the Yamahoko float procession is used as an anchor case study for this session (as a follow-on to session 5.4). Alternative case studies may be used, as long as there is sufficient detail available on these levels of support for safeguarding. Additional case studies are provided for each of the local, regional and international levels, and these may also be replaced or supplemented by other examples.

The exercises at slides 11, 19 and 23 (10 mins each) on ‘How policies / institutions affect implementation’ allow participants to explore how local, national and international policies and institutions might affect respectively implementation in their own context. This may help participants to apply the ideas introduced in the session to their own situation. If some participants are unfamiliar with the relevant legislation, policies and institutions, the facilitator may use these exercises to introduce some of them. The time allocated for these exercises is dependent to a large extent on the needs and interests of the participants. In countries where there is little existing policy, legislation or institutional support for ICH, consideration might be given to discussing which of the examples provided in the session from other contexts might be most suitable for their own context. Further exploration of this issue will be possible in session 5.14.

# IMP 5.13 Presentation: Intangible heritage policies and institutions

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# IMP 5.13 Narrative: Intangible heritage policies and institutions

### Slide 1. Title

### Slide 2. In this presentation …

* Legal and administrative frameworks
* Frameworks: what for?
* Local frameworks
* National frameworks
* International frameworks
* Case studies

### Slide 3. Legal and administrative frameworks

Legal and administrative frameworks (i.e. policies, laws and arrangements for financial and institutional support) are necessary to ensure that:

* Communities can continue enacting and transmitting their ICH,
* Communities can be assisted in the safeguarding of their ICH,
* States Parties can meet their obligations under the Convention, and
* Institutions and organizations can assist the States and the communities concerned.

The Convention strongly recommends the adoption of policies and legal, technical, administrative and financial measures to this end in Article 13:

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| **Article 13** |
| To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to: |
| (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes; |
| (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory; |
| (c) …; |
| (d) adopt appropriate legal, technical, administrative and financial measures aimed at: |
| (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage …; |
| (ii) …; |
| (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them. |

Often it will not be necessary to create these legal and administrative frameworks from scratch; existing policies, agreements, laws and institutions may be adapted or extended as required to assist in implementing the Convention, while continuing to perform their other functions.

The broad legal and administrative context for safeguarding ICH at the national level can be provided by a multi-layered system (much in the same way as for tangible heritage), consisting of:

* **Local laws or regulations, subsidies, policies and institutions**. This includes municipal policies and regulations relating, for example, to the ICH enacted in public spaces (such as festivals or performances). It may also include community organizations and local NGOs, museums, research centres, archives and documentation institutions. Governments of States Parties to the Convention are to encourage and, where possible, support local initiatives for ICH safeguarding;
* **National (or federal) laws, regulations, subsidies, policies and institutions**, such as ICH-related provisions in a constitution, ICH-related chapters in cultural and heritage policies, national research and documentation centres for ICH (at universities and elsewhere), museums, archives etc., consultative bodies and coordination mechanisms (OD 80). It may also include mainstreaming of ICH in policies, laws and institutions relating to other areas including finance, IPR, medicine, health and agriculture; and
* **International (and regional) conventions, agreements, guidelines and institutions**, such as the Intangible Heritage Convention itself, and other international and regional instruments compatible with it, such as the World Heritage Convention (mentioned in Article 3(a) of the ICH Convention) and other UNESCO Conventions in the field of heritage and culture; international human rights instruments (Article 2.1); international instruments relating to intellectual property and the use of biological and ecological resources (Article 3(b)), including guidelines to be drawn up by the World Intellectual Property Organization (WIPO); bi-lateral and regional cooperation mechanisms; international networks and Category II Centres (OD 86 and 88).

The relationship between these different levels could be represented as a relationship between cogs in a machine. National frameworks intersect with various international conventions, agreements and organizations, especially where States are signatories to these Conventions and agreements. National frameworks also determine, to a large extent, the organization and possible activities of safeguarding programmes at a local level. In this diagram we have placed local legal and administrative frameworks centre stage, since they are crucial for the implementation of the Convention at the national level, and often somewhat neglected. Although the roles of national governments on the one hand and communities on the other tend to receive more attention in discussions of ICH safeguarding, local legal and administrative frameworks have an important enabling role to play in this process.

States Parties have to ensure that local and national legal and administrative contexts work together, as far as possible, to create enabling frameworks for addressing the safeguarding needs of the ICH, and the communities concerned. In pursuit of this goal, States Parties should also ensure that frameworks at local and national levels benefit from international legal and administrative frameworks, complying, where appropriate, with their requirements. However, it is important to remember that establishing State ownership over the ICH is not in the spirit of the Convention - if safeguarding interventions work well without State intervention, they should be allowed to do their work without interference.

In Article 35, the Convention recognizes that federal States may be in a different position from other countries. Where some powers are devolved to individual constituent States, countries, provinces or cantons, it may be difficult to develop federal policies. In that case, the central government is supposed to encourage the governments of the constituent States to implement the Convention on their level. The central government may encourage or organize cooperation between the constituent States; it remains responsible for compiling the 6-year reports to the Committee about the implementation of the Convention in the country as a whole.

**Article 35 – Federal or non-unitary constitutional systems**

The following provisions shall apply to States Parties which have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

(b) with regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, countries, provinces or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

### Slide 4. Frameworks: what for?

Participants may wish to be reminded of the purpose of legal and administrative frameworks for implementing the Convention which is to facilitate the implementation of the Convention on the national level. That should be done in the spirit of the Convention, which means with the widest possible participation and consent of the communities concerned.

Creating an enabling environment for implementing the Convention at the national level therefore involves ensuring that, at the minimum, the legal, institutional and administrative infrastructure (including financial resourcing) exists to support identifying, defining and inventorying of the ICH in the territory of the State Party, enabling community participation and consent in this process, safeguarding the ICH, and reporting on the implementation of the Convention.

The Convention (Articles 13-14) and its Operational Directives make a number of recommendations to States Parties on ways of achieving these aims at the national level. These recommendations will be discussed below.

Some countries, now States Parties to the Convention, have already been paying considerable attention to ICH in their heritage legislation, policies and planning. Other States Parties will have to rethink their heritage policies and other frameworks in order to give due consideration to ICH safeguarding. This may mean revising the mandates of ministries and publicly funded institutions, creating new institutions, and revising budget allocations, among other things. If such interventions are not possible initially, States Parties may, at the very least, include capacity-building for government officials in existing (tangible) heritage departments, who will increasingly have to turn their attention to the safeguarding of ICH.

### Slide 5. The Yamahoko float ceremony, Kyoto Gion festival, Japan

In developing legal and administrative frameworks to implement the Convention, States Parties have to ensure that the different levels of these frameworks work together, as in the case of the Yamahoko float ceremony of the Gion festival in Kyoto, Japan (first discussed in session 5.4).

### Slide 6. Yamahoko-related frameworks

This slide shows how the various frameworks, at local, national and international level, work together to safeguard the Yamahoko float procession.

Starting with the smallest cog, the one on the international level, the element is on the Representative List of the Intangible Heritage Convention. Japan ratified the Convention and has thus undertaken to safeguard the ICH in its territory; it bears special responsibility for safeguarding elements inscribed on the Convention’s Lists, such as the Yamahoko float procession.

Thus, Japan’s obligations under the Convention link to national efforts for safeguarding (the second cog), and require for instance that the Japanese government reports about the element, as it is inscribed on the Representative List, every six years (OD 158-158). Under the Law for the Protection of Cultural Properties (1950), a national inventory was created, on which the Yamahoko procession was included as an Important Intangible Folk Cultural Property (in 1979). Being included in an inventory was a criterion for listing the element on the Representative List, another link between the national and international frameworks. Universities and institutes such as the National Research Institute for Cultural Properties in Tokyo, an independent research institute, conduct research on ICH like the Yamahoko procession.

Finally, the third and most important cog: at a local level, the procession features on provincial and municipal inventories of ICH in Kyoto Prefecture and Kyoto City. A Kyoto prefectural (provincial) ordinance (the Prefectural Ordinance for the Promotion of the Revitalization of Kyoto Based on Cultural Power) provides a broader rationale for municipal and provincial investment in the event. Within this legislative framework national, provincial and municipal governments all provide funds for the maintenance of floats, research and training. The Kyoto municipal government regulates the procession’s route through the city, ensuring for instance that overhead cables do not prevent the passage of the floats.

The Foundation for Gion Festival Preservation Associations (a community organization) coordinates training for participants and support workers, coordinates the community groups involved in the procession, and ensures maintenance and storage of the floats and their decorations. It also undertakes research, with the help of research institutes and universities.

These legislative and institutional infrastructures almost all predate the Convention itself.

**Further information:**

H. Yamauchi, ‘The influence of Culture for Community Revitalization in Kyoto, ACCU Training Course for Safeguarding of Intangible Cultural Heritage’, 26 January 2008. <http://www.accu.or.jp/ich/en/training/curriculum/curriculum_9.html>

T. Murakami, ‘Safeguarding System of ICH by Municipality of Kyoto’, ACCU Training Course for Safeguarding of Intangible Cultural Heritage, 25 Jan 2008. <http://www.accu.or.jp/ich/en/training/curriculum/curriculum_7.html#/point4/>

S. Fukami, ‘The Gion Festival Yamahoko Events and Activities of the Gion Matsuri Yamahoko Rengo-Kai’, ACCU Training Course for Safeguarding of Intangible Cultural Heritage, 16 December 2008. <http://www.accu.or.jp/ich/en/training/curriculum/second/curriculum_7.html>

### Slide 7. Local frameworks

The previous discussion showed how important it is that the Yamahoko procession is supported logistically by the municipality of Kyoto, for example by ensuring that a suitable route, free from overhead power lines that could snag the floats, is made available every year through the streets of the town.

### Slide 8. Example: Irrigators’ Tribunals (Spain), inscribed on the RL in 2009

In Spain, the Council of Wise Men of the plain of Murcia and the Water Tribunal of the plain of Valencia are traditional courts that resolve disputes between farmers over the use of irrigation water from the Segura and Turia rivers, according to customary law passed down orally through the generations. The town authorities of Murcia support the Council of Good Men of Murcia’s Watered Land. It meets weekly in the Murcia City Hall - the only institution other than the City Council to have the privilege of using it. The Tribunal of Waters of Valencia’s Watered Land meets weekly at the Apostles’ Gate of Valencia Cathedral. The Segura River Basin Authority helps to maintain the flow of water into the Murcia Watered Land irrigation system. The Statutes of Autonomy of the Murcian and Valencian Communities (regional authorities within Spain) formally recognize and support the water courts.

The local recognition of the courts and their procedures for managing the irrigation system has been echoed at national and international level. Both courts were declared Intangible Goods of Cultural Interest, providing the highest protection for cultural heritage under Spanish law. The people passing judgment in the courts are local farmers rather than professional lawyers, but their decisions are formally recognized in Spain’s judicial system. Cultural heritage and town planning legislation helps to protect the weirs, waterwheels and other immovable heritage supporting the irrigation system and to control suburban development in the irrigated lands. The courts have also been inscribed on the Representative List of the Convention (2009).

### Slide 9. Example: Village Development Committees (Nepal)

The role of local government in ICH safeguarding is of vital importance, as a rule, even where this role is not clearly set out in legislation or policy. In Nepal, municipalities and Village Development Committees (VDCs) play an important role in supporting religious and cultural activities, as well as fostering local participation in decisions around health, education, services and so on. (The slide shows a Facebook page developed by one of the VDCs). There is currently no policy stating that VDCs are directly responsible for the safeguarding and promotion of ICH at a local level, nor do they currently have a regular income source to carry out such activities. But as local level authorities they can and do help to mediate between national government, relevant agencies, local performers and tradition bearers on issues relating to ICH safeguarding.[[59]](#footnote-59)

### Slide 10. Example: Heemkunde Vlaanderen and FARO (Flanders, Belgium)

Some States formally devolve heritage policy and management to the sub national level. In Belgium, for example, which is a federal State with strong regional autonomy, the government of the Flemish region takes responsibility for its own heritage issues. It has published a Cultural Heritage Decree and tasked a number of non-governmental and non-profit organizations in the tangible heritage and ICH field with the execution of the Decree. Two of the main organizations are profiled here.

A state-subsidized non-profit organization called Heemkunde Vlaanderen acts as an umbrella organization for those involved in heritage safeguarding, providing support to hundreds of heritage volunteers, local history associations, museums, archives and documentation centres. It assisted the communities concerned in nominating Aalst Carnival to the Representative List of the Convention, organizing a congress on the topic in 2007, and will develop special education toolkits about the Carnival for primary and secondary schools. It also provides training and support for local heritage inventorying projects.

<http://www.heemkunde-vlaanderen.be/>

FARO (Brussels), the interface centre for both tangible and intangible cultural heritage in Flanders, is an independent non-profit organization. It is more closely linked to government structures as it is subsidized by the Flemish government and supervised by the Agency of Arts and Heritage of the Flemish Ministry of Culture, Youth, Sports and Media. It was created in 2008 through the merger of two organizations - Culturele Biografie Vlaanderen (Cultural Biography of Flanders) and Vlaams Centrum voor Volkscultuur (Flemish Centre for Popular Culture).

The functions of FARO are defined in the Cultural Heritage Decree of 2008. FARO’s aim is to strengthen and support the cultural heritage field in Flanders, to realise the main objectives of the Cultural Heritage decree:

* To develop an integrated cultural heritage policy, namely to stimulate qualitative management, long term sustainability and the unlocking of the cultural heritage;
* To start up a network of cultural heritage organizations to cultivate, to represent, to acknowledge and to valorise the different ways the public participates in and experiences cultural heritage;
* To stimulate a further development of the different cultural heritage practices, museum, archival and library sciences, and ethnology;
* To create awareness with regard to cultural diversity within the cultural heritage policy.

FARO draws up an annual action plan and submits a strategic plan to the Flemish Minister of Culture and the Flemish Government every five years. FARO maintains contacts with other institutions and organizations at home and abroad to develop (inter)national programmes, projects and networks.

<http://www.faronet.be/en/news>

### Example: Aboriginal Sacred Sites Act (Australia’s Northern Territory)

An example of legislation at the sub national level enabling ICH safeguarding is the Northern Territory Aboriginal Sacred Sites Act(2006) that helps Indigenous (Aboriginal) communities in the Northern Territory of Australia retain control over their intangible heritage management and any benefits arising from it. The Aboriginal Sacred Sites Act created institutions such as the Aboriginal Areas Protection Authority which tries to balance the need to safeguard Indigenous ICH and its relationship to land and the economic, social and cultural development of all people in the Territory.[[60]](#footnote-60)

### Slide 11. Conclusion – Local frameworks can …

Local (e.g. provincial and municipal) legal and administrative frameworks generally play the most important role in ICH safeguarding because their interventions can be tailored more effectively to the needs of local communities and local safeguarding projects. Local legislative and administrative contexts provide good opportunities for integrating ICH safeguarding activities with the health, education and development concerns of communities who practise and transmit that ICH. For example, the city of Kyoto works with the Yamahoko community associations every year to make decisions about the appropriate route for the procession of the floats and can thus organize road closures and support for the festival at a local level.

### Exercise (10 mins): How local policies / institutions affect implementation

Participants should be asked to mention one existing policy, piece of legislation or institution at the local level that affects the implementation of the Convention in their country.

They should then be asked to mention the way(s) in which this policy, piece of legislation or institution at the local level might assist in the implementation of the Convention.

### Slide 12. National frameworks

Legal and administrative measures taken on the national level are primarily meant to contribute to ICH promotion and safeguarding in general and to create a supportive framework for safeguarding actions on the local level. Measures implemented on the national level usually have a very direct impact on the viability of ICH elements.

### Slide 13. Hopping Procession of Echternach in Luxembourg

One example illustrating this is the Hopping Procession of Echternach in Luxembourg which was inscribed on the Representative List in 2010. This has traditionally been held on the second day after Whitsuntide (a religious holiday in early summer). It has been a nationally-sanctioned holiday, allowing citizens to participate in or watch the Procession. The nomination of the Procession to the RL in 2010 was a further sign of recognition for this local event from the national level, and a guarantee that Whitsuntide Tuesday will continue to be an official holiday. This means that citizens from all over the country can join the citizens of Echternach in the Procession, together with some pilgrim groups from villages across the border. Nearly 14,000 persons attend the Procession, although the population of Echternach is less than 5,000.

### Slide 14. National frameworks

The Convention encourages States Parties to establish legal and administrative frameworks at a national level in pursuit of their obligations under the Convention. Many of these recommendations are further developed in the Operational Directives.

The Convention and its Operational Directives recommend that States Parties try to -

* + Adopt policies and codes of ethics to assist in safeguarding ICH in the spirit of the Convention (Article 13(a), OD 105(d), (f) and (g), OD 107);
  + Establish ‘competent bodies’ or institutions that can assist in the execution of safeguarding policies, capacity building, inventory making (Article 13(b), 13(d)(i), OD 80, OD 82-83), research (Article 13(c), OD 105(b) and (c), OD 107(k)), documentation (Article 13(d)(iii), OD 85), awareness raising (Article 1(b), Article 13(d)(iii), Article 14(a), 1(c), OD 85, OD 105, OD 107(b));
  + Ensure community participation and consent in all matters that concern their ICH (Article 15; OD 79-89); and
  + Encourage coordination between all types of stakeholders involved in ICH safeguarding and promotion on the national level (OD 79, 83) and to facilitate cooperation at the international level (Article 19, OD 86, 88).

As discussed above, following these recommendations does not always involve formulating new policies and laws – where appropriate, existing ones could be amended. Existing institutions could also be asked to play new roles, if necessary, in the implementation of the Convention. Where institutions, NGOs or community organizations, or networks thereof have already taken on similar tasks on their own initiative, the States concerned would of course ideally involve them in its efforts.

### Slide 15. Case study: South Africa

How does the legislative and institutional system at the national level help to safeguard ICH?

South Africa has yet to ratify the Intangible Heritage Convention, but meanwhile the country has been putting in place a complex web of legislation and policy, as well as institutional frameworks, that will enable it to better safeguard the ICH (or what it calls ‘living heritage’).

South Africa’s Constitution (1996) is the supreme law of the country, promoting equality, human rights, non-racialism and non-sexism and an accountable, responsive and transparent democratic government. The principles of multilingualism enshrined in the Constitution inform all legislation and policy, including cultural policy, the national language policy and any policies or legislation on ICH. Heritage and language policy at national level functions as framework (guiding) legislation for provincial and local levels of government, because cultural matters are considered concurrent competencies of national and provincial government.

Safeguarding living heritage (or assisting communities in doing so) is one of the responsibilities of the Department of Arts and Culture, where a special section for Living Heritage has been established. A draft Living Heritage Policy was formulated within the Department of Arts and Culture in 2009, under the framework of the existing cultural policy (the Arts, Culture and Heritage White Paper of 1996). This Policy is currently being costed and is open to public consultation (2011). Personnel within the Department of Arts and Culture were allocated the responsibility for overseeing the inventorying of the ICH in the country. The Department oversees the National Heritage Council (which provides policy advice and coordination within the heritage sector) and the South African Heritage Resources Agency (which is responsible for managing intangible heritage values associated with heritage places and objects).

The safeguarding of ICH is not just a matter for the Department of Arts and Culture, however. The Indigenous Knowledge Systems Policy of the Department of Science and Technology (2004) established an agency (NIKSO, the National Indigenous Knowledge Systems Office) for inventorying ICH that may have commercial application (this is called ‘indigenous knowledge’) and fostering its contribution to the country’s economy while protecting community rights over it. NIKSO is engaged in inventorying indigenous knowledge that may have commercial application.

The Department of Trade and Industry has made some modifications to the country’s intellectual property legislation to accommodate indigenous knowledge. The Patents Act was for example amended in 2005, requiring patent applicants to have permission from the communities concerned if the patent relied on an ‘indigenous biological resource, genetic resource, or the traditional knowledge or use’. Further amendments were proposed to the Performers’ Protection Act (to extend protection to ‘expressions of folklore’), and the Copyright Act (to extend protection to ‘works of a traditional character’ and establish a national trust fund in respect of traditional intellectual property), for example. These changes are currently (2011) under discussion in Parliament.[[61]](#footnote-61)

Regulations were also drafted by the Department of Environment and Tourism ensuring that permits for research, bio-prospecting, and export of indigenous biological resources are only granted with the prior informed consent of stakeholders giving access to the indigenous biological resources concerned (including communities who own the knowledge or the relevant land). The permit system ensures that communities are involved as far as possible in benefit sharing.[[62]](#footnote-62)

At the same time, other policy, legislation and regulations were drafted under the Departments of Health and Agriculture, for example, protecting community rights over their ICH as well as the rights of people to have a good health outcome from traditional medical interventions.

### Slide 16. Legal frameworks

Some States Parties to the Convention have had legal systems in place for ICH safeguarding for decades, long before the Convention came into force. Japan’s Law for the Protection of Cultural Properties established a protection system for ICH at the national level as early as 1950. The Republic of Korea’s Cultural Heritage Protection Act introduced a Living Human Treasures program in 1962 that aimed at the recognition as well as transmission of ICH.[[63]](#footnote-63)

States Parties do not require formal legislation or policy to implement the tasks that they are obliged or encouraged to undertake in implementing the Convention. Paradoxically, too much legislative control could hinder ICH safeguarding: communities should be left as free as possible to decide when and how they want to enact their ICH. They should be allowed to remain in control of their ICH, as long as their practices and expressions are respectful of human rights and the requirements of mutual respect.

The legal framework for implementing the Convention at the national level is usually not solely the brief of the Ministry of Culture, or its equivalent. In many States national Constitutions or Bills of Rights protect the rights of people to participate in cultural practice (as long as it does not infringe other human rights). Policy and legislation in agriculture, tourism, medicine, finance or other areas may (positively or negatively) affect how communities, NGOs and other institutions, and government agencies, can safeguard the ICH in the territory. Changes in tax laws could for example lead to regulations that encourage people to hand down valuable traditional musical instruments or costumes in their personal possession to young practitioners for their continued use in ICH practices, rather than selling them to avoid inheritance tax.

A cultural policy can form the backdrop against which heritage legislation (and other kinds of legislation) formalizes the process of defining and safeguarding ICH. Cultural policies such as those of Botswana (2001) promote indigenous cultural practice and thereby encourage the safeguarding and promotion of intangible heritage. Botswana has recently begun to inventory its ICH within the framework of the Convention and its own cultural policy.

Legislation and policies can facilitate the implementation of the Convention at a national level within various contexts:

* Measures to ensure the inventorying (Article 12) and safeguarding of the ICH (Article 11);
* A general policy aimed at promoting the function of the ICH in society, and at integrating the safeguarding of ICH into planning programmes (Article 13);
* Policies aiming at promoting awareness of ICH (OD 105(g));
* Codes of ethics to ensure that awareness raising is done in the spirit of the Convention (OD 103);
* Legal protection for communities concerned (e.g. to protect their intellectual property rights or privacy rights) when raising awareness about their heritage or engaging in commercial activities (OD 104);
* Policies aimed at increased recognition of, respect for and enhancement of ICH through educational and information programmes, as well as capacity-building activities and non-formal means of transmitting knowledge (Article 14, OD 107);
* Policies for the public recognition of bearers and practitioners of ICH (OD 105(d)), which might include Living Human Treasures systems;
* Legal, technical, administrative and financial measures aimed at ... ‘ensuring access to the ICH while respecting customary practices governing access to specific aspects of such heritage’ (Article 13(d)(ii)); and
* Regulations for the selection of elements that might be nominated to the Lists of the Convention and for the preparation of such nominations with the participation and consent of the communities concerned.

Of course, other laws and regulations might be necessary to set up institutions, but these institutions will be discussed separately below.

### Slide 17. Intellectual property rights

The Convention does not require States Parties to establish an IP (intellectual property) regime protecting community rights over their ICH, but OD 104 does recommend that States Parties ensure that community rights over their ICH are duly protected during awareness raising (and when communities are engaging in commercial activities), through the application of IP rights or other forms of legal protection.

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| OD 104. | States Parties shall endeavour to ensure, in particular through the application of intellectual property rights, privacy rights and any other appropriate form of legal protection, that the rights of the communities, groups and individuals that create, bear and transmit their intangible cultural heritage are duly protected when raising awareness about their heritage or engaging in commercial activities. |

In some countries, legislation has been amended or created (often guided by WIPO guidelines and model laws) to enable communities to protect their IP rights over their ICH. Protecting IP rights can help communities retain better control over economic benefits gained from access to performances, the sale of recordings and of products associated with their traditional knowledge or skills, or from this knowledge itself, for instance the use of community-held knowledge about the medicinal use of plants. It can also help communities to fight against misrepresentation of themselves and their ICH.

An impressive number of countries, often assisted by WIPO, already have such legislation, see <http://www.wipo.int/tk/en/laws/folklore.html>.

A useful WIPO publication on IP rights relating to ICH is:

<http://www.wipo.int/freepublications/en/tk/913/wipo_pub_913.pdf>

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore has, for a number of years, been discussing possibilities and possible provisions for an international standard-setting instrument dealing with IP rights over practices and expressions that by and large fall under the definition of ICH of the Intangible Heritage Convention. There is a good chance that such a standard-setting text, probably a Convention, will be finalized in a few years, in spite of the obvious problems that it faces: it is often difficult to determine who is a member of the community, and who can speak – or assume rights – in the name of the community; on the other hand IP regulations have to take into account the ever-changing character of ICH.

It is also appropriate to remember that IPR protection is sometimes difficult to enforce, and cannot necessarily address broader problems of poverty and social marginalization. In some circumstances, putting non-secret information about ICH in the public domain and focusing on community development projects is a more effective driver of development than attempting to enforce community IPR.

There are some success stories, however. Trademarks, especially certification marks, can help to protect the IPR, including moral rights, associated with ICH. Many Indigenous or Aboriginal businesses and organizations have also registered trademarks relating to traditional symbols and names.

In Australia, certification marks like the National Indigenous Arts Advocacy Association (NIAAA) ‘Label of Authenticity’ have been registered by the NIAAA. In Canada, trademarks, including the ‘Authentically Aboriginal’ certification mark, are used by Aboriginal people to identify a wide range of goods and services, ranging from traditional art and artwork to food products, clothing, tourist services, and enterprises run by First Nations.[[64]](#footnote-64)

It is interesting to note here the use of the word ‘authentic’, something that the Convention specifically avoids using in connection with ICH (see box). However, in the context of these trademarks and certification marks, authenticity is usually established not by proving that the ICH itself has remained unchanged, but by proving that its connection to the community concerned has remained unchanged. This idea is not against the spirit of the Convention, which is very clear on the importance of maintaining the connection between an ICH element and the communities who have practised or transmitted it across the generations.

Tangible and intangible heritage experts, meeting in Nara (Japan) in October 2004, took the view, expressed in the so-called Yamato Declaration, that since intangible heritage is constantly recreated, the term ‘authenticity’ as applied to tangible heritage is not relevant when identifying and safeguarding intangible heritage.

The intention of the Intangible Heritage Convention is not to validate one authentic or historically accurate way of enacting or transmitting ICH elements, and actions that may lead to freezing of ICH elements are not encouraged under the Convention.

### Slide 18. Case study: the toi iho trademark

Intellectual property laws are one way of ensuring that the rights of communities concerned are protected when raising awareness about their ICH or engaging in commercial activities (OD 104).

In 2002, the Maori Arts Board of Creative New Zealand launched the toi iho™, a trademark denoting the quality and authenticity of Maori art. The idea of having a trade mark had deep roots in the Maori community. In 1936, Sir Apirana Ngata, a prominent Maori politician and lawyer, came up with the concept of a Maori mark of quality and authenticity. The idea was discussed again by the Maori Council in 1964, but was not brought to fruition until 2002. Then, the brand was developed under the guidance of the Te Waka Toi chair Elizabeth Ellis, a team of Maori artists headed by the late Dr Paki Harrison, and a series of national hui (meetings) in Christchurch, Nelson, Rotorua, Otaki, Auckland, Mangamuka and Wellington, supported by Creative New Zealand. The Maori community was thus very involved in the process: it was a ‘by Maori, for Maori initiative’.[[65]](#footnote-65)

Creative New Zealand registered four trademarks:

toi iho™ Māori Made;

toi iho™ Mainly Māori;

toi iho™ Māori Co-production; and

toi iho™ Licensed Stockist.

The marks indicated to consumers that the goods are good quality, and that the creator of the goods is of Māori descent, mainly of Māori descent or that the goods were produced through collaboration between non-Māori and Māori people. The marks were created in response to concerns raised by Māori people regarding the protection of cultural and intellectual property rights, the misuse and abuse of Māori concepts, styles, and imagery, and the lack of commercial benefits accruing back to Māori. About 250 Māori artists in fashion, architecture, industrial and graphic design registered under the trademark. It was awarded through a long application process requiring artists to show their work had been in galleries and exhibitions, that their work was ‘authentic’ and the artists themselves were Māori.[[66]](#footnote-66)

In 2009, however, Creative New Zealand decided it would no longer invest in managing and promoting these trademarks. Based on market research and artist feedback, they claimed that although there were artists actively using toi iho™ to leverage their work, many more Māori artists were making successful careers without the need for it. Creative New Zealand said that the trademarks had ‘failed to deliver on its promise in terms of increasing sales of Māori art by licensed artists and stockists (retailers)’. They advised licensed toi iho™ artists and stockists of the process to wind down their use of the trademarks.[[67]](#footnote-67)

The Māori artists were not happy with the winding down of their trademarks, however. Clearly, even if the economic stimulus provided had been minimal, the trademarks performed other functions within the community of artists. Maori costuming and jewellery artist Suzanne Tamaki disputed the arguments advanced for winding down the toi iho trademarks, saying that she had benefited from being registered as a toi iho artist not just in terms of marketing and professionalism but also by being a member of a group of Māori artists:

‘[Toi iho] is quite cohesive for the artists, rather than us all doing our own thing and looking disjointed. It is something that’s cohesive for us as a whole,’ she said.[[68]](#footnote-68)

The Maori community therefore campaigned to take over the trademarks from Creative New Zealand. As Elizabeth Ellis, a Maori leader in the arts field and a trustee of the Arts Foundation of New Zealand, who had been actively involved in setting up the initiative, said:

‘We, Maori, regard [toi iho] as a living entity, as an icon for Maori creativity and as a positive initiative for high quality Maori art,’ she says. ‘It is not like a bureaucratic project that can be easily discarded.’[[69]](#footnote-69)

In May 2010, the toi iho trademarks were thus transferred from the government-funded Creative New Zealand to a new Maori owned entity, the Transition Toi Iho Foundation (TTIF) as trustee for a new legal entity to be created.[[70]](#footnote-70)

### Slide 19. Institutional frameworks

Following the Convention and its Operational Directives, research and documentation institutions at the national level, as well as NGOs and non-profit organizations, could assist States Parties, with community participation and consent, in:

* Identifying, defining and inventorying the ICH (Articles 11(b) and 12, OD 80);
* Documenting the ICH (Article 13(d)(iii), OD 85);
* Implementing concrete safeguarding activities (Article 13(b));
* Conducting training in the management and appropriate transmission of ICH (Article 13(d)(i), OD 83);
* Undertaking and/or coordinating ICH-related scientific, technical, legal, economic and other studies (Article 13(c), OD 105(b) and (c), OD 107(k));
* Raising awareness about the value and diversity of the ICH in the territory and ensuring respect for it, for example by making information about the ICH easily accessible (Article 1(b) and (c), Article 13(d)(ii), Article 14(a), OD 85, OD 105, OD 107(b));
* Preparing files for nominating elements to the Lists of the Convention (OD 80(d)); and
* Ensuring community participation and consent in all activities concerning their ICH by, for example:
  + Keeping them informed and involved in all matters that concern their ICH (Article 15; OD 79-89);
  + Ensuring their capacity building (OD 82) where necessary;
  + Facilitating their participation in consultative bodies and coordination mechanisms (OD 80); and
  + Ensuring their rights are protected in awareness raising (OD 104).

These tasks can be undertaken by various institutions, including State agencies, NGOs, documentation centres, centres of expertise, and community-based organizations, but also by individual experts, from within or outside the communities concerned. The activities they undertake do not have to be centralized, but they may need to be coordinated to maximize efficiency and avoid duplication.

The Operational Directives (OD 80) encourage States Parties to create a consultative body or a coordination mechanism to facilitate community and expert participation in a number of tasks. States Parties are under no obligation to create such bodies, but it is advisable for them to consider how community participation in ICH safeguarding can be ensured and coordination of safeguarding activities achieved. All safeguarding of ICH should be done with the ‘widest possible participation of [the people who] … create, maintain and transmit such heritage’ (Article 15). At various points in the implementation of the Convention (in periodic reports and in nomination files, OD 1-2), States Parties are required to provide proof of such participation and consent (see Hand-out 5.4).

In some States tangible and intangible heritage are the responsibility of a single legislative and institutional framework, in others these responsibilities are separated. Existing bodies may take on new functions required for implementing the Convention or new bodies may be created.

In States where government is fairly centralized, central institutions perform heritage functions under the guidance of a national ministry and its policies. In Zimbabwe a National ICH Committee performs some of the coordination functions for ICH safeguarding, including identification and nominations.

### Exercise (10 mins): How national policies / institutions affect implementation

Participants should be asked to mention one existing policy, piece of legislation or institution at the national level that might affect the implementation of the Convention in their country.

They should then be asked to explain how this policy, piece of legislation or institution at the national level might assist in the implementation of the Convention in their country.

### Slide 20. Legal and administrative frameworks at the international level

### Slide 21. International frameworks

The way in which the Convention is implemented at the national level, and the ICH safeguarded, is also influenced by the international context. At an international level, besides other Conventions, Recommendations or Declarations, there may be codes of ethics, codes of conduct and other authoritative documents that may influence the way in which States Parties and organizations of various kinds behave, for instance when implementing the Intangible Heritage Convention (see also Article 3(b)).

Also, through networking at the international level, various international organizations, such as research centres or NGOs, may influence the way the Convention is implemented, both in the international arena and also at a national level.

### Slide 22. International legal instruments

Various international instruments are specifically referred to, or more broadly alluded to, in the Convention itself.

Some other international instruments not mentioned in the Intangible Heritage Convention may affect the way in which States Parties choose to implement the Convention. These can also be subjects for discussion in the session, especially if the States represented at the workshop have ratified them.

There are three principal kinds of international instruments:

* An Agreement or Convention, which is legally binding, The Intangible Heritage Convention is an example of an international instrument that is binding on States Parties to the Convention.
* A Recommendation (for example the 1989 UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore), and
* A Declaration, such as the UNESCO Universal Declaration of Human Rights.

#### International Human rights instruments

The Intangible Heritage Convention refers to a number of international human rights instruments in the preamble; Article 2 states that ICH not compatible with international human rights instruments will not be taken into account under the Convention:

**Preamble**

Referring to existing international human rights instruments, in particular to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966 …

**Article 2 – Definitions**

**…** For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments ...

Participants discussed human rights instruments in an earlier session.

There are of course other human rights instruments not specifically mentioned in the Convention. Particularly relevant is the UN Declaration on the Rights of Indigenous Peoples (2007),[[71]](#footnote-71) adopted four years after the ICH Convention, which recognizes that ‘respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development’. It says that indigenous people have the ‘right to practise and revitalize their cultural traditions and customs’, and to ‘the dignity and diversity of their cultures, traditions, histories and aspirations’ including traditional medicines. They have the right to ‘maintain, control, protect and develop their ‘cultural heritage, traditional knowledge and traditional cultural expressions’. ‘Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture’.

#### Other international instruments mentioned in the Convention

Other international instruments are also specifically mentioned in the Intangible Heritage Convention’s Article 3.

**Article 3 – Relationship to other international instruments**

Nothing in this Convention may be interpreted as:

(a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or (b) affecting the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.

Because both tangible and intangible heritage should be protected or safeguarded, and may in fact have a relationship to the same place, the Intangible Heritage Convention specifically states that its implementation should not impair the implementation of the World Heritage Convention. Safeguarding and inscription of ICH elements enacted around World Heritage Sites can assist in the holistic conservation of the property.

A number of ICH elements listed on the Representative List or Urgent Safeguarding List are indeed enacted by the communities concerned on or near World Heritage Sites. For example, the Ifuago rice terraces of the Philippines are on the World Heritage List; the ‘Hudhud Chants of the Ifugao’, narrative chants traditionally performed by the Ifugao community living on the rice terraces, is an element on the Representative List of the Intangible Heritage Convention.

The Intangible Heritage Convention (see Article 3(b)) can also not affect the rights and obligations of States Parties deriving from international instruments relating to intellectual property rights (IPR) or the use of biological and ecological resources.

Some international instruments like the UN Convention on Biological Diversity or intellectual property guidelines developed by the World Intellectual Property Organization (WIPO) can be helpful in safeguarding ICH.

#### The UN Convention on Biological Diversity (CBD)

The CBD came into force at the end of 1993 and has now been ratified by most UN Member States. It creates a legally binding commitment on States Parties to conserve biological diversity, to sustainably use its components and to share equitably the benefits arising from the use of genetic resources. The CBD encourages States Parties to develop, recognize and protect the rights of indigenous communities and individuals over their traditional practices relating to the conservation and sustainable use of biological diversity.

**CBD Article 8(j):** State Parties are encouraged to ‘respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote the wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.’

**CBD Article 18.4:** Contracting Parties are required, subject to national legislation, to ‘encourage and develop models of cooperation for the development and use of technologies, including traditional & indigenous technologies.’

#### WIPO and intellectual property rights in respect of traditional cultural expressions, traditional knowledge and expressions of folklore

The UNESCO Convention focuses on safeguarding the intangible cultural heritage – that is on ensuring its continuous recreation - rather than on legally protecting specific manifestations of ICH through intellectual property rights, which at the international level falls within the field of competence of the World Intellectual Property Organization (WIPO).

Conventional intellectual property mechanisms such as patents, trademarks and copyrights have been used to protect and promote community IPR in respect of their ICH. Intellectual property rights are usually conferred on individuals or companies, but they can also be conferred on communities, if the laws allow this.

WIPO is currently investigating the feasibility of a standard-setting instrument for the protection of intellectual property rights in respect of traditional cultural expressions, traditional knowledge and expressions of folklore. A special Intergovernmental Committee is trying to reach agreement on this issue by 2011.

If communal ownership of IP rights associated with ICH (e.g. knowledge of how to make traditional medicine) is to contribute to safeguarding, then communities should not be able to hand them over to others (they should be inalienable rights) and the rights (unlike copyright or patents) should not expire automatically after a period of time (they should be given in perpetuity). Individuals might have specific obligations towards the community in maintaining the ICH and exercising their rights as members of the community. For example, an individual community member selling artworks based on community-based ICH might need to contribute towards community funds. Questions arise as to whether the community-held IP rights have to be exclusive rights, whether rights can be re-established over information already in the public domain, and how to define ICH for the purposes of the new IP regime. Given these and other problems, it has been difficult to establish a specific international guideline for protecting intellectual property rights in ICH – the task given to WIPO.

WIPO has already assisted in the development of various regional and national intellectual property regimes for protecting community rights in what we would call ICH. Intellectual property rights are established in the first place through legislation at the national level and in several States ICH elements enjoy such rights. IPR regimes at the national level are now also influenced in the case of World Trade Organization (WTO) Member States by international agreements such as TRIPS (trade-related aspects of intellectual property rights, 1994), which establishes minimum levels of protection that each government has to give to the intellectual property of fellow WTO members.

For example, the African Regional Intellectual Property Organization (ARIPO) has recently developed a Legal Instrument for the Protection of Traditional Knowledge and Expressions of Folklore (2007) and the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore, 2010). The Protocol will enter into force once it has been ratified by six Member States of ARIPO. The purpose of the Swakopmund Protocol (Article 1.1) is:

(a) to protect traditional knowledge holders against any infringement of their rights as recognized by this Protocol; and

(b) to protect expressions of folklore against misappropriation, misuse and unlawful exploitation beyond their traditional context.

‘The protocol aims to empower the custodians and holders of traditional knowledge and expressions of folklore to utilize their knowledge for socio-economic development and wealth creation; curtail biopiracy; and enable the ARIPO Office to register traditional knowledge and expressions of folklore that are trans-boundary and multicultural in nature.’[[72]](#footnote-72)

Other regions have attempted to protect community rights over their ICH too. In 2000, Member States of the Andean Community and Pacific Island States took a decision that ‘signs, whose use in trade may unduly affect a third party right, may not be registered, in particular when they consist of the name of indigenous, Afro-American or local communities, denominations, words, letters, characters or signs used to distinguish their products, services, or the way in which they are processed, or constitute the expression of their culture or practice, except where the application is filed by the community itself or with its express consent’. In one instance, this decision was enforced by the Colombian government, even though the community concerned had not objected itself.[[73]](#footnote-73)

### Slide 23. Guidelines and codes of ethics

Various communities, professional associations and organizations around the world have drafted guidelines or codes of ethics that can (or in some cases have to) be used by people doing ICH-related research, safeguarding or awareness raising. Some are international in nature, others may be of international applicability. Others have more restricted applicability. Governments and institutions may also draw up their own guidelines or codes of ethics to ensure community rights are protected. The Operational Directives encourage States Parties to develop and adopt codes of ethics to ensure that awareness raising is done in the spirit of the Convention (OD 103); there are of course many other types of activities under the Convention for which such codes might also be developed.

WIPO has commissioned surveys of codes, protocols, policies, practices and standard agreements relating to the safeguarding of, access to, ownership of and control over cultural heritage in a number of regions of the world. WIPO believes these can serve as an empirical basis for the eventual development of best practices and guidelines in this area.

The surveys are available from the WIPO website:

<http://www.wipo.int/tk/en/culturalheritage/surveys.html>

#### Example: Research ethics in Brazil

Brazilian legislation states that authorization requests to do research among indigenous groups must be submitted to the Indians themselves, to the National Indian Foundation (FUNAI), to the Scientific and Technological Development Council (CNPq) and, when it concerns traditional knowledge associated with genetic resources, to the Genetic Heritage Management Council (CGEN). The legislation has been applied with great rigour.

Brazilian law (Edict 177/PRES, Feb 16, 2006) regulates the administrative procedure for FUNAI authorization for access to Indian lands, by people interested in the use, acquisition and or grant of copyright in indigenous material. FUNAI is tasked to help ensure respect for indigenous cultural expressions, and protect their social organization, customs, languages, beliefs and traditions.

‘FUNAI is the agency that establishes and executes Brazilian Indigenous Policy, in compliance with the Constitution of 1988. FUNAI is responsible for promoting basic education for indigenous peoples, demarcating, securing and protecting the lands that they traditionally occupy and stimulating the development of studies and surveys about indigenous groups. FUNAI is also responsible for defending the indigenous communities, to raise awareness in the Brazilian society about indigenous peoples and their causes, to manage their assets and monitor their lands, impeding predatory actions of miners, squatters, lumberpersons, and any other activities that occur on their lands and that represent a risk to the life and preservation of these peoples.’

A. Arantes et al., ‘Documenting and Disseminating Traditional Knowledge and Cultural Expressions in Brazil’,prepared for the World Intellectual Property Organization (WIPO) 2009. <http://www.wipo.int/export/sites/www/tk/en/culturalheritage/casestudies/arantes_report_vol1.pdf>

#### Example: The Hopi protocol for research, publications and recordings[[74]](#footnote-74)

The Hopi of Arizona, in the United States, have had extensive experience with the unauthorized and illegitimate use of their cultural heritage. Ceremonial dances have been tape recorded and the tapes sold to outsiders; designs from skilled Hopi potters have been replicated by non-Hopis; and, their katsinas dolls, brightly painted wooden dolls with spiritual powers, have been copied and used in inappropriate settings.

To prevent this, the Hopi Cultural Preservation Office has developed a ‘Protocol for Research, Publications and Recordings’, setting out how the Hopi people would like their intellectual resources and traditional cultural expressions to be used by others.

Among other things, the Protocol states that ‘informed consent’ is required for any project or activity involving Hopi intellectual resources; the use of recording devices is restricted; and, informants and subjects of a project or activity should be ‘justly compensated’, which could include ‘acknowledgement as author, co-author or contributor, royalties, copyright, patent, trademark, or other forms of compensation’.

Apart from the Protocol, the Hopi have initiated projects concerning the preservation and digitization of their cultural heritage in order to prevent the dissemination of knowledge and information without their prior informed consent. The Hopi Oral History Project, for example, aims at recording the history and cultural traditions of the Hopi.

<http://www.nau.edu/~hcpo-p/research.html>

Another research protocol relating to ICH is *Ask First: a guide to respecting Indigenous heritage places and values* in Australia (Australian Heritage Commission, 2002). This provides guidelines for identifying and involving relevant Indigenous communities in matters relating to their heritage places and values.

<http://www.environment.gov.au/heritage/ahc/publications/commission/books/pubs/ask-first.pdf>

### Exercise (10 mins): How international policies / institutions affect implementation

Participants should be asked to mention a legal instrument, common policy or institution at the international or regional level that might affect the implementation of the Convention in their country.

They should then be asked to say how the implementation of the Convention in their country might be affected by this policy, legal instrument or institution at the international or regional level.

# IMP 5.14 Lesson plan: Concluding session

|  |
| --- |
| **Title of activity: Implementing the Convention 5.14 –** **Summary and conclusion** |
| Duration: 3 hours |
| Objective(s):  Test understanding of key concepts and organs / mechanisms of the Convention. Ensure coverage of areas where there are still queries and questions. Give participants an opportunity to discuss specific aspects of how their country(ies) could implement the Convention. |
| Description:  Various approaches are possible in this session see below.  Questions asked by the participants during the workshop and their knowledge and understanding of various topics introduced in the workshop should guide the facilitator in making a decision about which approach to follow. Ideas and resources provided for this session are simply aids for the facilitator. The session should be tailored to the needs of the participants and the aim of the workshop; not all subjects covered in the training materials can be dealt with.  One way of conducting the session is as follows:  In plenary, the participants could discuss possible answers to some or all of the Multiple Choice Questions provided, or other questions to be suggested by the facilitator.  Then participants could be divided into small groups of about six people to discuss possible ways of implementing (or enhancing the implementation of) the Convention in their country. They could concentrate on some of the following topics:   * Raising awareness * Inventorying * Involving communities concerned * ICH and sustainable development * Safeguarding measures * Nominations * International cooperation and assistance * Policies and institutions   For each subject a few introductory questions are given, after which they are requested to reflect on the way in which the issue is addressed, or might be addressed. in their country. IMP Presentation 5.14 provides some material to support the group discussions.  The groups could report back to the plenary and have further discussion there, guided by the facilitator who could clarify any misinterpretations of the main tenets of the Convention.  Alternatively, the whole session could be run as a Q&A session. The facilitator could start off by administering the Multiple Choice Questions to assess understanding of key ideas, revise areas that were not understood, and finish with a Q&A. |
| Supporting documents:  Presentation 5.14 plus narrative |

**Notes and suggestions:**

# IMP 5.14 Presentation: Concluding session

# IMP 5.14 Narrative: Concluding session

### Slide 1. Concluding session: materials for group discussion

This session provides the opportunity to review the material covered in the workshop through discussion of a series of questions and a discussion of activities being undertaken or planned for the implementation of the Convention in the home countries of participants.

### Slide 2. In this presentation…

* Raising awareness
* Inventorying
* Involving communities concerned
* ICH and sustainable development
* Safeguarding measures
* Nominations
* International cooperation and assistance
* Policies and institutions

### Slide 3. Multiple Choice questions

Here, the facilitator could insert slides for various selected multiple choice questions or distribute the questionnaire.

**Additional questions might include:**

* Who elaborated the Convention?
* What is UNESCO’s relation to the Convention?
* What is the main objective of the Convention?
* What are the Convention’s other objectives?
* What are the organs of the Convention?
* What do the organs of the Convention do?
* What is the objective of the Fund of the Convention?
* Who prepares the ODs?
* What are the ODs meant for?
* Are the ODs complete?
* What are the main components of the Convention’s definition of ICH?
* What is the status of the domains mentioned in Article 2.2 of the Convention?
* How does the Convention speak about communities, groups and individuals concerned?
* Why was there no attempt at defining communities, groups and individuals concerned?
* What ICH communities do you belong to? And your spouse / neighbour / parent?
* What are the major obligations of States Parties to the Convention on the national level?
* What are the major obligations of States Parties to the Convention on the international level?
* How do States Parties inform the Committee about the implementation of the Convention on the national level?
* By what means can the Committee address a State Party that does not fulfil its obligations under the Convention?

### Slide 4. Raising awareness

Awareness of the existence, nature and importance of ICH is crucial in fostering appreciation for the ICH and a positive context for its safeguarding, the main objective of the Convention. This was discussed in session 5.5.

**Additional questions**

* Why should awareness be raised, about what, with whom?
* Why should respect for other people’s ICH be encouraged?

**Domesticating the Convention**

Various examples of awareness raising activities in were given in session 5.5. Participants should be encouraged to discuss examples from their own contexts, and to debate which approaches are (or would be) most successful in their countries. Consideration should be given to:

* The nature of the ICH about which awareness is being or would be raised, safeguarding needs and any customary restrictions on access that should be taken into account;
* The purpose of awareness raising and the audience for it (actual or envisaged);
* The most appropriate media or other platforms for awareness raising given the proposed audience and the local context; and
* Possible mitigations of any negative outcomes of awareness raising.

### Slide 5. Inventorying

Inventorying is an obligation under the Convention and should be carried out with a view to safeguarding. This was discussed in session 5.6.

**Additional questions**

* Are there indications in the Convention as to how to draw up inventories?
* How many inventories should be compiled?
* What is the relationship between inventory making and identification/definition?
* And what is the relationship between inventories and nominations?
* Is an inventory supposed to be an exhaustive list of ICH?
* How will elements be selected for inventorying? According to what definition?
* What should not be inventoried?

**Domesticating the Convention**

Various examples of inventorying projects were given in session 5.6. Participants should be encouraged to discuss examples from their own contexts, and to debate which approaches are (or would be) most successful in their countries. Possible approaches could include:

* Large-scale inventorying projects covering the whole country, whether researcher-led or led by government staff at municipal or regional levels;
* Locally-managed community-based inventorying projects, each covering a small area of the country or a single community;
* A range of inventorying projects based on ethno-linguistic group or ICH domain; or

In discussing the most appropriate approaches for their own contexts, brief consideration might be given to:

* The purpose(s) of the inventorying project(s) and likely use of the inventory ies themselves; and
* The ways in which communities or their representatives are (or would be) involved.

### Slide 6. Involving communities concerned

Any activity concerning any element of ICH that is undertaken in the framework of the implementation of the Intangible Heritage Convention should take place with the fullest possible participation and the consent of the communities, groups or individuals concerned. This was discussed in session 5.7, with some further information in sessions 5.4, 5.9 and 5.10.

**Additional questions**

* Who can represent the community / groups in making decisions about inventorying or safeguarding?
* What happens if the community concerned does not want their ICH element included in a safeguarding programme, nomination or inventory?
* How can safeguarding or inventorying of their ICH elements be beneficial to the communities concerned?

**Domesticating the Convention**

Various examples of community participation in aspects of ICH safeguarding and the implementation of the Convention were given in session 5.7. Participants should be encouraged to discuss examples from their own contexts, and to debate which approaches are (or would be) most successful in their countries. They should also discuss whether these approaches are in conformity with the requirements and the spirit of the Convention. Consideration should be given to:

* Planning processes to maximise community ownership of, control over and benefit from planned activities for identifying and safeguarding their ICH;
* Choosing different mechanisms for encouraging community participation depending on the activities being planned (e.g. identification, safeguarding, submission of nominations) or the size and context of the communities concerned;
* Choosing methods for determining community consent depending on the level of trust between stakeholders, the size and context of the communities concerned, and the nature of the ICH in question.

### Slide 7. ICH and sustainable development

Only ICH ‘compatible with the requirements of … sustainable development’ will be given consideration for the purposes of the Convention (Article 2.1). This was discussed in session 5.9.

**Additional questions**

* How can ICH safeguarding help to build communities, socially and economically?
* How can ICH safeguarding contribute to environmental sustainability?
* How can sustainability of communities contribute to ICH safeguarding?
* How can ICH safeguarding generate income for the communities concerned in a sustainable way?

**Domesticating the Convention**

Various examples of the relationship between sustainable development and ICH were given in session 5.9. Participants should be encouraged to discuss examples of this relationship from their own contexts, and to debate which safeguarding approaches for specific ICH elements are (or would be) most successful in achieving the interlinked goals of economic prosperity, environmental quality and social equity in ICH practice and safeguarding.

### Slide 8. Safeguarding measures

Safeguarding means ensuring the viability of the ICH, i.e. ensuring continued enactment and transmission thereof by, for and within the communities concerned. This was discussed in session 5.10.

**Additional questions**

* What is the main difference between ICH safeguarding and tangible heritage conservation?
* Can / should all endangered ICH be safeguarded?
* Who should be involved in developing safeguarding measures?

**Domesticating the Convention**

Various examples of safeguarding practices were given in session 5.10. Participants should be encouraged to discuss examples from their own contexts, and to debate which approaches are (or would be) most successful in their countries. Consideration should be given to:

* Characteristics of the elements, and the communities concerned;
* The threats and risks to viability faced by the elements; and
* The process by which safeguarding measures could be elaborated with community participation and consent.

### Slide 9. Nominations

States Parties may nominate ICH elements to the Urgent Safeguarding List or Representative List. They may also nominate programmes, projects or activities to the Register of Best Safeguarding Practices. This was discussed in session 5.12.

**Additional questions about nominations**

* Who do / should States involve in nomination processes?
* What is the Register of the Convention; where do we find it in the ODs?
* Why are there many more nominations to the RL than the USL or the Register?
* What is the mechanism of making multinational nominations?
* What might be the effects of inscribing an element on one of the Lists of the Convention?

**Domesticating the Convention**

Not all States Parties will wish to nominate elements to the Convention’s Lists. In regard to their own contexts, participants may consider the following issues:

If their country has already submitted one or more nominations:

* How were communities involved in the nomination process? Was this done in a satisfactory way, or how could things be improved?
* How were the nominated ICH elements, or the projects selected at the national level? Was this done in a satisfactory way, or how could things be improved?

If their country has not yet submitted a nomination:

* Examples of ICH elements in their country that could be candidates for nomination to the Lists of the Convention;
* Examples of programmes, projects or activities in their country that could be candidates for nomination to the Register; and
* The process by which decisions on what elements to nominate are made, or could be made in the country, with the participation and consent of the communities concerned.

### Slide 10. International cooperation and assistance

States Parties are encouraged to engage in international cooperation in implementing the Convention, in several ways, for instance by:

* Sharing information and resources,
* Documenting, safeguarding and perhaps nominating internationally shared heritage, or by
* Jointly applying for support from the ICH Fund.

This was discussed in session 5.12.

**Additional questions about international cooperation and assistance**

* How can States Parties assist one another in safeguarding ICH shared across their borders?
* What kinds of assistance requests are supported by the ICH Fund?
* Does one State Party have veto power over a nomination by other countries?
* Are State Parties obliged to make multinational nominations for shared heritage?
* Do all States Parties in a multinational nomination for the USL have to make periodic reports about the element concerned?

**Domesticating the Convention**

There are, as yet, not many examples of cooperation concerning the safeguarding of ICH shared across national borders. Examples of international assistance requests were discussed in session 5.12. In discussing the approaches that are being adopted (or might be adopted) in their own contexts, participants may consider the following issues:

* Shared heritage present in their country and another one (preferably a State Party) and safeguarding activities that have been (or could be planned);
* Safeguarding or other projects for which assistance may be sought from the ICH Fund;

### Slide 11. Policies and institutions

Legal and institutional frameworks at the local, national and international levels are necessary to create an enabling environment for implementing the Convention. This was discussed in session 5.13.

**Additional questions about policies and institutions**

* Do all ICH policies at the national level have to follow the definition of ICH in the Convention if the State has ratified it?
* Does a State Party have to appoint a single institution to oversee the work of ICH safeguarding at the national level?
* What kinds of legal instruments could assist ICH safeguarding at the national level?

**Domesticating the Convention**

Examples of legal and institutional frameworks were discussed in session 5.12. In discussing the approaches that are being adopted (or might be adopted) in their own contexts, participants may consider the following issues:

* The mandates and capacities of existing institutions and the scope of existing legal frameworks; and
* The requirement for new institutions and legal frameworks, if any.

# IMP 5.14 Hand-out: Multiple choice questions

Deleted until the questions have been edited in the Facilitators notes section, so that edits are not done twice.

# IMP 5.14 Facilitator’s notes on multiple choice questions

These are frequently asked questions. They may be handed out to participants and then referred to at various stages in the workshop, but they will take some time and discussion because of the complexity of the issues involved. In these notes the correct answer is highlighted – some of the other answers may be partly right. Some notes are provided below each question.

## About the convention

1. Which of the actions mentioned below, if any, are States obliged to undertake before they can ratify the Convention?
2. Create inventories of the ICH present on their territory.
3. Obtain the consent of communities, groups and individuals, who are the stewards of the ICH within the country, for ratification.
4. Adapt national legislation – if necessary – to create a legal framework for ICH safeguarding.
5. None of the above.

**Option d** is correct.

None of these actions are required before ratification. The State only has to go through the procedures foreseen in its constitution for the ratification of international (in this case multilateral) treaties. Activities presented in (a) and (c) could greatly help the future implementation of the Convention. Regarding (b), future participation of the communities, groups and individuals concerned in the implementation of the Convention could be encouraged if the State makes public its intentions to ratify the Convention and the consequences that might have.

1. By ratifying the Convention, States take upon them a number of obligations. Which of the following, if any, are NOT obligations of States Parties under the Convention?
2. Each State Party shall draw up one or more inventories of the communities and groups present on its territory.
3. Each State Party shall take the necessary measures aiming to ensure the viability of the ICH present in its territory.
4. Each State Party shall regularly report to the Committee about the measures taken for the implementation of the Convention.
5. Each State Party shall identify a competent body for the safeguarding of the ICH on the national level, or create such a body from scratch.
6. Each State Party shall draw up one or more inventories of the ICH present on its territory.

When discussing the answers with the participants, the facilitator may ask them to identify the articles of the Convention that relate to the obligations mentioned. **Options b** (Article 11(a)), **c** (Article 29) and **e** (Article 12.1) are obligations under the Convention; **options** **a** and **d** are not. **In option b** is the word ‘safeguarding’ has been replaced by a phrase with the same meaning - ‘ensuring the viability of the ICH’, see Article 2.3.

**Option a**: the Convention does not define communities and/or groups in a specific way. The Convention was designed to accommodate the fact that communities (and groups) are fluid entities, that people may belong to several communities, that they may join and leave communities. Furthermore, it was acknowledged that States have very different demographics and cultural policies, in which the position of constituent communities varies considerably. So, the Convention does not require its States Parties to identify or inventory their communities. Some States have nevertheless identified, for various reasons, a number of communities or minorities living in their territory (indigenous, linguistic, regional communities, or otherwise defined), but this is not a requirement under the Convention.

**Option d:** Identifying or establishing the competent body referred to is not an obligation; the Convention just strongly encourages the States Parties to do so: ‘Each State Party shall endeavour ….’ to designate or establish such an institution (see Article 13(b)).

1. Who selects the members of the Intergovernmental Committee?
2. The Committee renews itself.
3. The General Assembly.
4. The Director-General of UNESCO.

**Option b** is correct, see Article 5.1 of the Convention. The Committee is selected by the General Assembly from among the States Parties. States are elected as members of the Committee for four years; every two years half of the members of the IGC are renewed. States cannot be members of the Committee for two consecutive terms (see Article 6). The organs of the Convention are sovereign and the Director-General of UNESCO is not involved in the election process.

1. The government of the imaginary country of Oceanistan is not happy about a procedure developed in the Operational Directives. Which approach would be most appropriate for Oceanistan to address the situation?
2. Requesting the Director-General of UNESCO to change the procedure and, in conformity with that, the Operational Directive concerned.
3. Putting the issue on the agenda of the next session of the General Assembly. This could result in the Assembly asking the Committee to study the matter again and come forward with a new proposal for a procedure.
4. Deciding never to make use of the procedure.

**Option b** is the best solution.

**Option a**: The Organs of the Convention are sovereign (Articles 4 and 5, in particular 4.1): UNESCO simply provides the Secretariat for the Convention (Article 10) and has no power to change anything in the text of the Operational Directives (let alone the Convention).

**Option b**: This is the best solution: representatives of Oceanistan could talk first to other States Parties to sound them out on the issue, then raise the issue in the General Assembly and try to have the Assembly request the Intergovernmental Committee to study the matter, preferably in a period that Oceanistan is a State Member of the Committee, and possibly develop a proposal for a new procedure (see Article 7(e)). Oceanistan could also ask any current Member of the Committee to place the question on the Committee’s agenda, or could request the Director-General to do so.

**Option c**: This would be a very negative solution: the Convention encourages the States Parties to cooperate as much as possible, in particular concerning ICH they share. Such an isolationist position would have negative consequences for the community /communities concerned and for the safeguarding of the element in question.

## Definitions and concepts

1. Does gender differentiation of tasks or practices within ICH elements always constitute a human rights violation?
2. No, gender differentiation does not constitute a human rights violation
3. Differentiation by gender within ICH elements does not always constitute a human rights violation.
4. Yes, any gender differentiation is a human rights violation.

**Option b** is correct – gender differentiation of tasks or functions in enacting or transmitting ICH elements need not be contrary to the requirements of international human rights instruments. For example, women might perform some aspects of a dance or ceremony, while men perform other aspects of it. Or, within one and the same community certain rituals may be attended only by men and others only by women. However, if such differentiation generates the power to humiliate others, or creates circumstances of clear disbenefit for some people, then it is contrary to the requirements of international human rights instruments and the element cannot be considered as ICH in terms of the Convention. Thus, rituals in which there is forced abduction of women, beating of children, human sacrifice or bodily mutilation, for example, cannot be taken into account under the Convention (see Article 2.1).

1. Can documentation of ICH always be considered as a safeguarding measure?
2. Yes, any documentation of the element will automatically contribute to safeguarding.
3. Not always: only if it is explicitly aimed at safeguarding.
4. No, documentation is always a bad thing because it takes power and knowledge away from communities and gives it to experts, while bringing the evolution of the ICH concerned to a standstill.

**Option b** is correct – Documentation can play an important role in safeguarding plans, but this is not automatically the case. In fact, documentation can even be counterproductive, from the perspective of safeguarding the ICH. Documentation, usually by outsiders, sometimes reveals knowledge considered secret by the communities and groups concerned – this would constitute a breach of the requirement in the Convention that customary restrictions on access to the ICH are to be respected (Article 13(d)(ii)). Ideally, documentation presents the contemporary variation and the changing character of the ICH. If this does not happen, documentation and recordings can lead to ‘freezing’ of an element in some supposedly ‘authentic’ and ‘original’ form. Both researchers and the communities concerned need to be aware of this as a problem; documentation as a safeguarding measure should contribute to the continued practice, change and re-enactment of ICH. It should be done in cooperation with the communities concerned and with their consent; the results of documentation projects should be made accessible to the communities and groups concerned and should be disseminated in ways that they find acceptable.

## Inventorying

1. The imaginary country of Oceanistan intends to develop one inventory for all of the ICH present in its territory. The Minister of Culture needs to choose a name for the inventory. Which name would be most in line with the spirit of the Intangible Heritage Convention?
2. The national inventory of the ICH of Oceanistan.
3. The inventory of Oceanistanese ICH.
4. The inventory of ICH in Oceanistan.

The third option (c) seems to be most in line with the Convention. However, the Convention does not impose strict guidelines for inventories, and the State Party is free to choose any of the three solutions.

**Option a**: nowhere does the Convention speak about national inventories; a national inventory might exclude sets of ICH present in Oceanistan that do not fit in with present or future ideas about who and what constitutes the nation. The Convention speaks about ‘communities, groups and individuals’, not about nations. The Convention is meant to contribute to cultural diversity, including the diversity of ICH expressions and practices within States Parties, not to the homogenization that often comes with nation building.

**Option b**: this option no longer qualifies the inventory as ‘national’ but shares with option a the idea of ICH ‘of the State’: the Convention nowhere speaks of ICH of a State, but – instead – of the ICH of communities and groups. Communities of immigrants might be excluded (or feel excluded) by virtue of this name.

**Option c:** this might be the best solution, from the point of view of the Convention. It does not exclude from the outset any ICH present in the territory of the State (such as the ICH of immigrant communities) from being inventoried and it does not make any claims for State ownership of or authority over the ICH that will be inventoried.

1. Having decided on the name of its inventory of ICH, Oceanistan needs to decide how to organize the inventory. The country is rich in musical traditions. How should the inventory process deal with the associated musical instruments?
   1. The inventory should not include information about the instruments - this is an inventory about expressions and practices, not material objects.
   2. Include information about the instruments in the inventory entries for the associated musical traditions.
   3. Create a separate section in the inventory for information about objects and instruments associated with inventoried ICH elements.

**Option b** is most in the spirit of the Convention, although again the Convention does not impose strict guidelines for inventories.

**Option a**: In order to present the element in a clear way, any indispensable instruments or objects should be mentioned in the inventory. Article 2.1 explicitly includes associated instruments, objects, etc. in the definition of ICH, which encourages the inclusion of such objects in an inventory of the ICH. Therefore, excluding them would not be ideal.

**Option b and c**: An inventory of ICH should in principle focus on ICH elements (expressions, practices, skills, knowledge) so it is preferable not to have separate entries for associated instruments, objects, persons or so-called cultural spaces. Option b therefore seems better than option c. If an inventory of ICH is digitally accessible, it would be good to have search functions that help those who are interested to identify which, for instance, are the musical instruments used in the enactment of ICH expressions inscribed in an inventory.

1. Country Z will soon start the process of inventorying the ICH in its territory and its Ministry of Culture accordingly produced a list of categories to be considered for use in the inventory. Which of these categories might cause concern when the Committee examines the periodic reports submitted by the State Party?
2. ICH that is no longer practised.
3. ICH that is endangered.
4. ICH that is not in conformity with generally accepted international human rights instruments.
5. ICH to which there is limited access because it is considered secret or sacred by the communities and groups concerned.
6. ICH that was not identified with the participation of the communities concerned.
7. ICH practices that the communities concerned did not want to be inventoried.
8. ICH that is linked to tangible heritage, such as musical instruments or specific places.
9. ICH that is linked to sites inscribed on the World Heritage List.

States Parties may draw up their inventories in ways that are adapted to their situation. They may therefore use definitions, domains and classifications of ICH that differ from those used in the Convention. This may lead to the inclusion of elements in inventories prepared by States Parties that cannot be successfully submitted for nomination to the lists of the Convention. When the Committee reviews reports of States Parties on the implementation of the Convention it may formulate comments and recommendations; it cannot impose actions on the national level.

Categories **b, g and h** would not be considered problematic as they fall within the definition of ICH in the Convention (Article 2.1, see also Article 3(a) on World Heritage). Including ICH elements under **category d** would also probably not be considered problematic, as long as the communities concerned agree to the ways information about the elements concerned will be presented in the inventory, and made accessible to the public. The communities concerned might want secret or sacred elements not to be inventoried, or only partially inventoried; they may wish that public access to the inventory data be limited.

When evaluating the periodic reports States Parties submit regarding their inventorying and other activities, the Committee may consider the inclusion of ICH conforming to **e and f** less desirable since it is a requirement for States Parties to identify and define inventoried ICH with the participation of the communities concerned (Article 11(b)) and to try and ensure their participation in the management of their ICH (Article 15). If communities do not want their ICH to be inventoried, but it is inventoried anyway, this may have negative impacts on safeguarding of the ICH which goes against the idea (Article 12) that inventorying contributes to safeguarding.

Categories **a and c** do not comply with the definition of ICH in the Convention, but especially if the elements in question are placed in special sections of an inventory, they can be clearly distinguished from ICH which does comply with the definition in the Convention and which can be nominated to the Lists of the Convention. Explicitly mentioning ICH elements contrary to human rights in the inventory might have a positive effect; it might lead to discussions and negotiations aimed at the mitigation of problematic aspects of the elements concerned.

1. Can States Parties to the Convention adopt their own definitions of intangible cultural heritage for national or local inventories?
2. Yes, as they are allowed to draw up their inventories in ways geared to their own circumstances.
3. No, they have to comply with the Convention’s definition of ICH.
4. No, they have to comply with the Convention’s definition of ICH but a special case can be made to use other domains if they ask permission.

**Option a** is correct – States Parties have the liberty to draw up national or local inventories in manners geared to their own situation and – consequently – also using their own definitions of ICH. They may also use their own system of domains. Of course, if they wish to nominate elements to the Convention’s Lists (question 2), then these specific elements have to comply with the criteria listed in OD 1-2.

1. If elements in national or local inventories do not comply with the definition of ICH in the Convention, can they be inscribed on the Lists of the Convention?
2. Yes, elements on national or local inventories can be inscribed on the Lists of the Convention even if they don’t comply with the definition of ICH in the Convention
3. No, elements on national or local inventories that do not comply with the definition of ICH in the Convention cannot be inscribed on the Lists of the Convention
4. Yes, elements on national or local inventories that do not comply with the definition of ICH in the Convention can be inscribed on the Lists of the Convention if special permission is obtained from the Intergovernmental Committee

**Option b** is correct – the criteria for nominations (OD 1-2) indicate that elements that are nominated to the Lists of the Convention have to comply with the definition of ICH in the Convention. The Intergovernmental Committee has to follow the Operational Directives as approved by the General Assembly.

1. True or false?
2. Safeguarding measures have to have been developed for an ICH element before it can be inventoried.
3. An ICH element has to have been inventoried before any safeguarding activity can be undertaken.
4. Safeguarding measures have to have been implemented for an ICH element before it can be nominated to one of the Lists of the Convention.
5. An ICH element has to have been inventoried before it can be nominated to one of the Lists of the Convention.

**Option d** is true, the others are not.

The Operational Directives (OD 1 and 2) require that an element proposed for inscription on one of the lists should first have been included in an inventory. Therefore, nomination is preceded by inventoryingand, by implication, identification**.**

Safeguarding itself may have preceded nomination, but that is not obligatory: safeguarding measures have to be elaborated before the submission of a nomination file for one of the lists of the Convention, but they do not have to have been implemented. Nothing in the Convention or ODs requires that an element be inventoried before one can start safeguarding it.

1. The Ministry of Culture of Country X wishes to include on its national ICH inventory only some of the numerous elements of ICH that are on its provincial inventories. The Ministry needs to decide on the most appropriate criteria for choosing ICH elements to include on its national inventory. Which of the following criteria would not be in the spirit of the Convention?
2. ICH elements that are most widely known and practised within the country should be on the national inventory because more people can associate with them.
3. Only outstanding and beautiful ICH elements should be on the national inventory because this will foster national pride.
4. ICH elements from each province should be chosen for the national inventory to ensure that it is representative of the whole country.
5. ICH elements that are not found in other countries should be selected for the national inventory to demonstrate the uniqueness of the nation.
6. ICH elements that are most in need of safeguarding should be chosen for the national inventory.

The Convention does not prescribe how States Parties should compile their inventories, but it does require community participation in identification and inventorying (Articles 2.1, 11(b), 15); that inventories contribute to safeguarding (Article 12.1); that ‘the ICH in the territory of the State is inventoried (Article 12.1); and that inventories be regularly updated (Article 12.2). Inventorying should also not violate customary practices concerning access to the ICH and any associated places, persons and materials (Article 13(d)(ii)).

**Option a, b and d** are not in the spirit of the Convention, which does not distinguish between ICH elements on aesthetic grounds, their relationship to national identity or the size of the communities concerned.

**Option c** is not a necessary criterion, although it would be ideal if a national inventory were to cover a representative sample of ICH in the territory (that is, if did not aim to provide a full overview of the ICH within the territory). There is in fact no obligation for States Parties to have a national inventory, or indeed a tentative list of possible nominations to the Lists of the Convention. The provincial inventories by themselves would comply with the requirement of ‘drawing up one or more inventories of the ICH present in the territory’ of the State.

Because the intention of the Convention and of any inventory is to promote safeguarding, **option e** would be in the spirit of the Convention.

## Safeguarding

1. Would a safeguarding plan that proposes staging endangered community dances as part of the professional repertoire of the National Theatre be in the spirit of the Convention?
   1. No, the Convention wishes elements to be safeguarded in their original context only.
   2. Yes, because safeguarding the element may include adapting it to changing circumstances.
   3. No, but a safeguarding plan that would aim both at revitalizing the dances within the community and in staged forms might be appropriate.

**Option c** is correct – professionalizing community dances and relocating them to a staged environment may be of assistance as an awareness-raising tool if the community agrees, but it cannot replace community performance as ICH. Sometimes, elements can no longer be safeguarded in their ‘original’ context (in fact the notion of an original context gives the impression that there is just one true, authentic context for the element which would be contrary to the spirit of the Convention); so, the Convention does not exclude that elements might be revitalized under conditions that are adapted to new circumstances. However, where communities wish to continue practising an element as before, this should be encouraged; if they do not want their element to be staged, then this should not happen. The ODs clearly indicate that there should be no misappropriation of ICH (see OD 117).

1. A certain dance form, once widely practised in a certain community, has not been performed by them since the 1960s. Which of the measures presented below could be described as ‘revitalizing’ the practice of this dance?

a) Reconstructing the dance in a research centre, using film recordings from the 1930s, and reintroducing it into the community concerned.

b) Training members of the community concerned in the dance form, with the help of film recordings and of older community members who remember the practice well.

c) Training members of a folklore association in the distant capital of the country to do the dance with the help of recordings from the 1930s and the advice of community members who still remember it well.

**Option b** is the best option.

Revitalization is a safeguarding measure, aimed at reinforcing an ICH practice that has almost ceased to exist, or is no longer performed, within the community concerned, but is still remembered by some people. Community members have to be involved as far as possible in safeguarding activities. If the dance was still practised up till the 1960s there would be community members who could assist in revitalizing the practice. Option (a) does not take advantage of community members who might remember the dance form, and relies on a very old recording of the dance – essentially reviving the dance form performed in the 1930s. Film recordings could be useful in reminding community members of aspects of the performance. Option c does not aim at reintroducing the practice in the community concerned: if the dance is to be viable within the community concerned, the dance should be performed by community members rather than members of a folklore association.

## Nominations

1. States Parties submit nominations to the Lists of the Convention. Many stakeholders may be involved in the preparation of a nomination, but which of them can start it?
2. Any group or agency may start the process, as long as the relevant communities, groups and individuals participate and agree to it.
3. Communities, or their representatives, have to start the process because they are the ones who have to give prior informed consent.
4. Researchers or specialized institutions have to start the process because they are best informed about the ICH being nominated.

**Option a** is the correct answer.

**Option a**: There is no indication whatsoever in the Convention or the ODs as to who should start the process of nomination. The Operational Directives explicitly require that, whoever is leading the process, the community concerned should always be informed (OD 1, 2), involved (OD 23) and have given its consent (OD 1, 2). Without the free, prior and informed consent of the communities concerned the nomination file will be incomplete.

**Option b**: This is not well formulated: the communities concerned may start the process, but they do not have to be the ones to start it, as long as they are involved, informed and consent to it.

**Option c**: This option is not formulated in the spirit of the Convention, which emphasizes community knowledge and control over their ICH: researchers or specialized institutions are not always best informed about the ICH. They of course may take the initiative but should from very early in the process inform and involve the community concerned and not proceed without its consent.

Nomination files have to be submitted by State(s) Party(ies). If the nomination process is started by a non-State agency it might be wise to inform the appropriate State agencies early on in the process. A nomination proposed by a community, NGO or institution may not always enjoy high priority in the eyes of the government, which may lead to delays or even a failure to submit the nomination. Whoever takes the initiative, it is important that all stakeholders be informed from an early stage (see OD 80 which encourages the creation of a coordination mechanism in States Parties that assists in the preparation of nomination files). In a few rather centralized States, the State may want to control the whole process and not be open to proposals by other stakeholders; one hopes such situations will change under the influence of better practices in other States.

1. Can countries that are not States Parties to the Convention nominate elements for inscription on the Lists of the Convention?
2. Yes, but only if the element is in need of extremely urgent safeguarding
3. No, not until they become States Parties
4. Yes, but only if they are part of a multinational nomination submitted by one or more other countries who are already States Parties to the Convention

**Option b** is correct – only States Parties to the Convention can nominate elements to the Convention’s Lists and they can only nominate elements present in their own territory.

1. Can languages as such be inscribed on the Convention’s Lists?
2. Yes, languages can be inscribed on the Convention’s Lists because they are intrinsic to ICH
3. No, languages cannot be mentioned in nominations to the Lists of the Convention because language is not relevant as an ICH domain
4. No, the Convention indicates that languages may only be part of an inscription when considered as vehicles of ICH.

**Option b** is not valid as the list of domains in Article 2.2 is explicitly presented as non exhaustive. Regarding **options a and c**, the Committee has not yet been confronted with nominations concerning languages and will have to interpret the matter in due time. If it takes a conservative point of view, then option c would be the only correct one.

During the preparation of the Convention it was recognized that language is intrinsic to ICH, as it is relevant to the practice and transmission of most ICH. Language is a carrier of values and knowledge and a major tool in ICH transmission. Nevertheless, it was decided, not to include ‘language’ in its own right in the list of domains in Article 2.2 of the Convention, although language does feature in the first domain mentioned in that list: ‘oral traditions and expressions, including language as a vehicle of the intangible cultural heritage’. That list, of course, is not exhaustive. This compromise reflected the very different policies of the States in the world concerning their internal linguistic diversity, but also a widely shared understanding that safeguarding languages as fully-fledged means of communication should be left outside the scope of this Convention.

1. Does ICH of immigrant communities qualify for inclusion in the Lists of the Convention?
2. Yes, nominations to the Lists of the Convention that include ICH elements from immigrant communities located in a particular country may be inscribed if these elements meet the criteria set out in the Operational Directives
3. Yes, elements nominated to the Lists of the Convention that include ICH of immigrant communities may be inscribed, but only if special permission is sought from UNESCO
4. No, only elements that are indigenous to the submitting States Parties and that are relevant to their national identity or to that of majority groups present in them, may be included in the Lists of the Convention

**Option a** is correct – it is up to States Parties to the Convention to decide what elements to nominate to the Lists of the Convention, as long as these elements and the communities concerned are located within their territory. There is no reason why ICH of immigrants to a country could not be inscribed onto the Lists of the Convention as long as the element complies with the criteria and the file is considered convincing and complete. In fact, there may be very good reasons for doing so.

**Option b**: UNESCO serves the organs of the Convention and their bodies as their Secretariat. UNESCO has no independent say in what elements should be nominated by States Parties to the Lists: nominations are examined by various bodies appointed by the Intergovernmental Committee and evaluated by the Committee and its bodies based on the criteria listed in the ODs.

**Option c**: The idea that ‘indigenous’ ICH should be the only elements nominated is problematic. The Convention, which is intended to promote and celebrate cultural diversity, does not intend the ICH of any groups or communities in the territory of States Parties to the Convention to be excluded from being nominated to the Lists of the Convention. The Convention does not mention national identity; many States – in particular federal ones – do not claim to have national identities. What is more, the spirit of the Convention would not allow distinctions to be made between the ICH of majority and minority groups.

Both ‘indigenous’ and ‘immigrant’ groups (let alone ‘indigenous’ and ‘immigrant’ ICH) are difficult categories to define (nomadic groups, for instance, might be excluded from either category). They are always used within a specific political context, so as this context changes, so does the definition of who is an ‘immigrant’ and who is ‘indigenous’. In many States there is thus a grey area between recent immigrant groups and recognized indigenous groups.

1. Can several States Parties to the Convention nominate a shared element together, rather than making separate nominations?
2. Yes, the Convention and the Operational Directives encourage multi-national nominations for the same element if it is shared across borders
3. No, if an element occurs in two countries they have to find a way of differentiating them so two different nominations can be made
4. No, only the State Party where the element has the longest history of uninterrupted practice is allowed to submit a nomination file for the element

**Option a** is correct – the Operational Directives, following the spirit of the Convention, encourage multi-national nominations, which are possible as long as the countries in which the shared heritage is located are States Parties to the Convention. Although States Parties are not obliged to nominate shared heritage under a multi-national nomination, they are strongly encouraged to do so, as it promotes international cooperation, and is advantageous for safeguarding efforts. Of course, in such cases the opinion of the community(ies) concerned should be decisive.

1. Can inscribing an element on the Lists of the Convention be used to establish a community or group’s intellectual property (IP) rights over an element?
2. No, the Convention cannot establish IP rights over an ICH element through inscription on its Lists.
3. Yes, inscription on one of the Convention’s Lists gives communities and groups the automatic right to sue for damages if anyone else practices their ICH element.
4. Yes, inscription on one of the Convention’s Lists gives the communities and groups concerned intellectual property rights over their heritage.

**Option a** is correct – the [Convention](http://www.unesco.org/culture/ich/index.php?lg=en&pg=0006) focuses on safeguarding the intangible cultural heritage – that is on ensuring its continuous recreation rather than on legally protecting specific manifestations through intellectual property rights, which at the international level falls mainly within the field of competence of the World Intellectual Property Organization (WIPO). WIPO is currently investigating the feasibility of a standard-setting instrument for the protection of intellectual property rights in respect of traditional cultural expressions, traditional knowledge and expressions of folklore. The Convention states, in Article 3, that its provisions may not be interpreted as affecting the rights and obligations of States Parties deriving from any international instrument related to intellectual property rights. Intellectual property rights are established in the first place through legislation at the national level and in several States ICH elements enjoy such rights. WIPO also assists its Member States in drawing up national laws and regulations to do this.

1. UNESCO proclaimed 90 ICH elements as Masterpieces of the Oral and Intangible Heritage of Humanity. What happened to these elements after the entry into force of the Convention?
2. The list of Masterpieces was not affected by the entry into force of the Convention and continues to be promoted by UNESCO.
3. The Masterpieces were inscribed on a separate list of the Convention in 2008 and are still referred to as Masterpieces.
4. The elements proclaimed as Masterpieces were incorporated onto one of the Lists of the Convention in 2008 and are no longer referred to as Masterpieces.

**Option c** is correct.

In conformity with Article 31 of the Convention, and with OD 57 to 65, the elements that had been proclaimed as Masterpieces were incorporated into the Representative List of the Convention at the third session of the Committee in 2008. From then on, they were no longer referred to as ‘Masterpieces’ and they are treated in the same way as the other elements inscribed on that List.

The Masterpieces programme had been strongly influenced by World Heritage thinking, in terms of the criteria for inscription / proclamation and in the terminology used. The governmental experts who prepared the text of the Convention explicitly rejected the idea of establishing a hierarchy between any two elements of ICH. For instance, elements that are listed, or – for that matter – inventoried, are not considered more valuable, important or outstanding than elements that are not; neither are elements that are practiced by millions of people therefore more valuable, important or outstanding than elements practiced by smaller groups. In this spirit, the drafters of the Convention did not want ICH elements on the Lists of the Convention to be referred to as Masterpieces.

# IMP 5.15 Lesson plan: Evaluation

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| **Title of activity: Implementing the Convention 5.15 - evaluation of the workshop** |
| Duration: 30-45 mins |
| Objective(s): Evaluate the training workshop |
| Description:  Facilitator hands out evaluation form and explains need for anonymity  15 mins written evaluation  30 mins oral evaluation and discussion |
| Notes and suggestions: |
| Follow-up: |
| Supporting documents:  Hand-out 5.14 evaluation sheet |

# IMP 5.15 Hand-out: Evaluation form

Frank answers will be helpful to us as we plan our future activities in this project. Please do not sign your name. Omit any questions that do not apply to you.

|  |  |  |
| --- | --- | --- |
| **Lodging** – where did you stay? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | |
|  | Quality, cleanliness, comfort of guest house | poor  average  excellent |
|  | Location of guest house (convenience, safety) | poor   average  excellent |
| **Transport between guest house and workshop venue** | | poor  average  excellent |
| **Workshop meeting rooms and facilities** | | |
|  | Comfort and suitability of large meeting rooms | poor  average  excellent |
|  | Quality of snacks and beverages during coffee breaks | poor  average  excellent |
|  | Quality of lunches | poor  average  excellent |
| **Schedule** | | |
|  | Length of workshop | too long  just right  too short |
|  | Daily schedule | too long  just right  too short |
|  | Lunch breaks | too long  just right  too short |

|  |  |  |  |
| --- | --- | --- | --- |
| **Workload** | | | |
|  | Workload in preparing for the workshop | too much  just right  too little | |
|  | Workload in the workshop | too much  just right  too little | |
| **Amount of teaching materials** | | | |
|  | Workshop documents | | too much  just right  too few |
|  | Slide presentations | | too much  just right  too few |
| **Difficulty of teaching materials** | | | |
|  | Workshop documents | | too difficult  just right  too easy |
|  | Slide presentations | | too difficult  just right  too easy |
| **Facilitator(s)** | | | |
|  | Facilitators’ knowledge and experience | | not enough  average  excellent |
|  | Facilitators’ teaching style and effectiveness | | not good  average  excellent |
|  | Facilitators’ understanding of trainees’ backgrounds and needs | | not good  average  excellent |
|  | Facilitators’ level of preparation for workshop sessions | | not enough  average  excellent |
|  | Facilitators’ sensitivity to working context | | not good  average  excellent |

|  |  |  |
| --- | --- | --- |
| **Usefulness of this workshop for your work and career** | | |
|  | To what extent does this workshop bring you new skills and knowledge? | no new skills  some new skills  many new skills |
|  | Will the workshop experience be useful if you have to help implement the Convention in your country? | not useful  quite useful  very useful |
|  | How useful will these new skills and knowledge be to you in your present position? | not useful  quite useful  very useful |
|  | How useful will these skills and knowledge be in the long run as you develop your career? | not useful  quite useful  very useful |
|  | Will your office support your future participation in the implementation of the Convention? | yes  no  don’t know |

What part of the workshop did you find most interesting?

What part of the workshop did you find least interesting?

What suggestions can you offer the organizers to improve future workshops (continue on back of sheet)?

1. See the ICH Fact Sheets, UNESCO ICH Kit http://www.unesco.org/culture/ich/doc/src/01858-EN.pdf [↑](#footnote-ref-1)
2. ‘TV ratings: Monty Don carves place in Friday schedule’The Guardian, 15 Feb 2010. http://www.guardian.co.uk/media/2010/feb/15/monty-don-tv-ratings [↑](#footnote-ref-2)
3. ‘Monty Don on Mastercrafts’, The Telegraph, 3 Feb 2010. http://www.telegraph.co.uk/culture/tvandradio/7147998/Monty-Don-on-Mastercrafts.html [↑](#footnote-ref-3)
4. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010. [↑](#footnote-ref-4)
5. Not all of these criteria (such as authenticity) are compatible with the spirit of the Convention itself, but the Convention allows for considerable leeway in the development of inventories by States Parties. [↑](#footnote-ref-5)
6. Practical handbook for the Inventory of the Intangible Cultural Heritage of Indonesia <http://unesdoc.unesco.org/images/0018/001869/186978m.pdf> [↑](#footnote-ref-6)
7. In Indonesia, both regency and city are at the same administrative level, having their own local government and legislative body. The difference between a regency and a city lies in demography, size and economy. Generally, a regency comprises a larger area than a city. A city usually has non-agricultural economic activities.   
   Source: <http://en.wikipedia.org/wiki/List_of_regencies_and_cities_of_Indonesia> [↑](#footnote-ref-7)
8. This form is adapted from the one presented on UNESCO’s website (<http://www.unesco.org/culture/ich/doc>). States Parties are free to design their own inventories and to develop their own questionnaires: this form just offers a few suggestions. States are encouraged to adapt it to their needs if they so wish. Please note that inventories are meant to identify and define, not to fully document ICH elements. The answers to questions 1 to 5 should, therefore, preferably not take more than 1000 words in all. [↑](#footnote-ref-8)
9. D. Noyes, ‘The Judgment of Solomon: Global Protections for Tradition and the Problem of Community Ownership**’,** Cultural Analysis 5 (2006): 27-56; D. Noyes, ‘Necessity and Freedom in the Tradition Process’, paper delivered January 23rd, 2010, at the Institute for Advanced Studies on Asia at the University of Tokyo. [↑](#footnote-ref-9)
10. D. Noyes, ‘The Judgment of Solomon: Global Protections for Tradition and the Problem of Community Ownership**’,** Cultural Analysis 5 (2006): 27-56. [↑](#footnote-ref-10)
11. D. Noyes, ‘Necessity and Freedom in the Tradition Process’, paper delivered January 23rd, 2010, at the Institute for Advanced Studies on Asia at the University of Tokyo. [↑](#footnote-ref-11)
12. D. Noyes, ‘The Judgment of Solomon: Global Protections for Tradition and the Problem of Community Ownership**’,** Cultural Analysis 5 (2006): 27-56. [↑](#footnote-ref-12)
13. CBD Conference of the Parties, COP 9 Decision IX/13, 4. [↑](#footnote-ref-13)
14. Dutfield, G., Prior informed consent and traditional knowledge in a multicultural world, in: KONO (T.) (ed.), *Intangible Cultural Heritage and Intellectual Property. Communities, Cultural Diversity and Sustainable Development*, Antwerp-Oxford-Portland, Intersentia, 2009, pp. 261-282, p. 182 [↑](#footnote-ref-14)
15. See <http://www.cbd.int/abs/information-kit/> [↑](#footnote-ref-15)
16. In most patent law, ‘prior art’ is all information that has been made available to the public in any form before a given date that might be relevant to a patent's claims of originality. If an invention has been described in prior art, a patent on that invention is not valid. (see Wikipedia, http://en.wikipedia.org/wiki/Prior\_art) [↑](#footnote-ref-16)
17. Molly Torsen and Jane Anderson, Intellectual property and the safeguarding of traditional cultures: Legal Issues and Practical Options for Museums, Libraries and Archives (WIPO, 2010), pp.81-82. [↑](#footnote-ref-17)
18. We have drawn in this case study mainly on D. Feinholz-Klip, L. Barrios, and J. Cook Lucas, The Limitations of Good Intent: Problems of Representation and Informed Consent in the Maya ICBG Project in Chiapas, Mexico, in: R. Wynberg et al. (eds.), Indigenous Peoples, Consent and Benefit Sharing: Lessons from the San-Hoodia Case, Heidelberg, Springer 2009, pp. 315-331. Some information also came from J. P. Rosenthal, Politics, culture, and governance in the development of prior informed consent in indigenous communities. Current Anthropology, 47 (1), 2006, pp. 119–142 and L. Naville, 2004. The experts, the heroes, and the indigenous people: the story of the ICBG Maya bioprospecting project in Chiapas, Mexico. Masters thesis, Ås, Norway: Noragric, Agricultural University of Norway, 2004, <http://www.umb.no/statisk/noragric/publications/master/2004_lauren_naville.pdf> [↑](#footnote-ref-18)
19. World Commission on Environment and Development (the Brundtland Commission), Our Common Future, 1987. [↑](#footnote-ref-19)
20. See the ICH Fact Sheets, UNESCO ICH Kit http://www.unesco.org/culture/ich/doc/src/01858-EN.pdf [↑](#footnote-ref-20)
21. Hasna, A. M. (2007). ‘Dimensions of sustainability’. Journal of Engineering for Sustainable Development: Energy, Environment, and Health **2** (1): 47–57. [↑](#footnote-ref-21)
22. Xi-Sheng Xie et al. ‘A case report of an effective treatment for diabetic foot ulcers with integration of traditional Chinese medicine and Western medicine’, Journal of Diabetes and its Complications  
    [Volume 23, Issue 5](http://www.sciencedirect.com.ezproxy.uct.ac.za/science?_ob=PublicationURL&_tockey=%23TOC%235080%232009%23999769994%231474075%23FLA%23&_cdi=5080&_pubType=J&view=c&_auth=y&_acct=C000033878&_version=1&_urlVersion=0&_userid=635696&md5=a9e316a93feb9bff2dbd2fd56d49881e), September-October 2009, pp.360-364. [↑](#footnote-ref-22)
23. Wynberg (R.) et al., (eds.), Indigenous Peoples, Consent and Benefit Sharing: Lessons from the San-Hoodia Case, Heidelber, Springer Science+Business Media B.V. 2009, p.8. [↑](#footnote-ref-23)
24. Najwa Adra, ‘Learning through Heritage, Literacy through Poetry’, Adult Education and Development, 70 (1998). [↑](#footnote-ref-24)
25. Information provided by Wim van Zanten. [↑](#footnote-ref-25)
26. See <http://www.klik-galamedia.com/indexedisi.php?id=20100625&wartakode=20100625034442> and <http://travel.kompas.com/read/2010/06/25/19553630/Festival.Ujungberung.Dibuka> [↑](#footnote-ref-26)
27. Pacific Islands, Festivals as Catalysts – Commonwealth Statement on Culture and Development, p.13. [↑](#footnote-ref-27)
28. Lin Lee Loh-Lim, ‘Handicrafts in the Context of Sustainable Cultural Tourism’. UNESCO-EIIHCAP Regional Meeting, *Safeguarding Intangible Heritage and Sustainable Cultural Tourism: Opportunities and Challenges*, Hué, Viet Nam - 11-13 December 2007. [↑](#footnote-ref-28)
29. Lin Lee Loh-Lim, ‘Handicrafts in the Context of Sustainable Cultural Tourism’. UNESCO-EIIHCAP Regional Meeting, *Safeguarding Intangible Heritage and Sustainable Cultural Tourism: Opportunities and Challenges*, Hué, Viet Nam - 11-13 December 2007. [↑](#footnote-ref-29)
30. R. Mitchell and P. Eagles, 2001. ‘An Integrative Approach to Tourism: Lessons from the Andes of Peru’. Journal of Sustainable Tourism, 9(1): 4-28. [↑](#footnote-ref-30)
31. C. Cheong, Sustainable Tourism and Indigenous Communities: The Case of Amantaní and Taquile Islands, University of Pennsylvania, 2008. [↑](#footnote-ref-31)
32. R. Mitchell and P. Eagles, 2001. ‘An Integrative Approach to Tourism: Lessons from the Andes of Peru’. Journal of Sustainable Tourism, 9(1): 4-28. [↑](#footnote-ref-32)
33. C. Cheong, Sustainable Tourism and Indigenous Communities: The Case of Amantaní and Taquile Islands, University of Pennsylvania, 2008. [↑](#footnote-ref-33)
34. Phytopharm is a company specializing in the development of phytomedicines, a category of drugs made from plants in which the active ingredients are present in carefully measured doses. [↑](#footnote-ref-34)
35. Barnett, A. (2001) ‘Pharmaceutical firms stand accused of once again plundering native lore to make fortunes from natural remedies’, The Observer (Sunday June 17th). [↑](#footnote-ref-35)
36. ‘The San and the CSIR announce a benefit-sharing agreement for potential anti-obesity drug’, Media Release, 24 March 2003, <http://ntww1.csir.co.za/plsql/ptl0002/PTL0002_PGE157_MEDIA_REL?MEDIA_RELEASE_NO=7083643> [↑](#footnote-ref-36)
37. Report on the Hoodia multi-stakeholder meeting, !KHWA TTU, January 22 – 23 2009: <http://www.uclan.ac.uk/schools/school_of_nursing/research_projects/files/health_cpe_genbenefit_hoodia_stakeholders.pdf> [↑](#footnote-ref-37)
38. Report on the Hoodia multi-stakeholder meeting, !KHWA TTU, January 22 – 23 2009: <http://www.uclan.ac.uk/schools/school_of_nursing/research_projects/files/health_cpe_genbenefit_hoodia_stakeholders.pdf> [↑](#footnote-ref-38)
39. Wynberg, R. (2010) Hot Air over Hoodia, Garin (October 2010). http://www.grain.org/seedling/?id=704 [↑](#footnote-ref-39)
40. Vermeylen, Saskia (2008) From life force to slimming aid : exploring views on the commodification of traditional medicinal knowledge. Applied Geography, 28 (3). pp. 224-235; http://eprints.lancs.ac.uk/28093/1/commodification\_of\_traditional\_knowledge.pdf [↑](#footnote-ref-40)
41. Ibid. [↑](#footnote-ref-41)
42. Ibid. [↑](#footnote-ref-42)
43. From WIPO introduction to intellectual property. http://www.wipo.int/export/sites/www/about-ip/en/iprm/pdf/ch1.pdf [↑](#footnote-ref-43)
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45. Runa Tupari website: http://www.runatupari.com/ [↑](#footnote-ref-45)
46. UNORCAC website: http://www.unorcac.org/ [↑](#footnote-ref-46)
47. UNORCAC’s nomination: http://www.equatorinitiative.org/index.php?option=com\_content&view=article&id=543%3Aunorcac&catid=107%3Aequator-prize-winners-2008&Itemid=546&lang=en# [↑](#footnote-ref-47)
48. Agriterra - <http://www.agriterra.org/en/text/about-agriterra> [↑](#footnote-ref-48)
49. UNESCO, Uganda National Commission to UNESCO – *Revitalisation of Bark Cloth Making in Uganda.* [↑](#footnote-ref-49)
50. Sara Katebalirwe, Bark Cloth From Uganda as a Potential GI Product’, ACP-EU Seminar Cape Town, 10th-11th May 2010 http://tradecomacpeu.com/resources/files/42/bark-cloth-from-uganda.pdf [↑](#footnote-ref-50)
51. Batik nomination file, UNESCO website. See also L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010, p.20. [↑](#footnote-ref-51)
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54. See the ICH Fact Sheets, UNESCO ICH Kit http://www.unesco.org/culture/ich/doc/src/01858-EN.pdf [↑](#footnote-ref-54)
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56. Intangible Heritage Messenger, no.2, May 2007. Accessed at http://unesdoc.unesco.org/images/0015/001506/150671e.pdf [↑](#footnote-ref-56)
57. Batik nomination file, UNESCO website. See also L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010, p.20. [↑](#footnote-ref-57)
58. Background Paper for UNESCO Meeting, Intangible Heritage Beyond Borders: Safeguarding Through International Cooperation. Bangkok, 20 and 21 July 2010. [↑](#footnote-ref-58)
59. Tulasi Diwasa, Chura Mani Bandhu, and Bhim Nepal, 2007. The Intangible Cultural Heritage of Nepal: Future Directions (UNESCO Kathmandu Office), p.19. [↑](#footnote-ref-59)
60. Aboriginal Areas Protection Authority http://www.aapant.org.au/ [↑](#footnote-ref-60)
61. South African Intellectual Property Laws Amendment Bill 2008, <http://www.dti.gov.za/ccrd/ip/bill.pdf> introduced to Parliament in 2010 as <http://www.ipo.org.za/IPO_docs/archive_2010/Intellectual%20Property%20Laws%20Amendment%20Bill.pdf> [↑](#footnote-ref-61)
62. National Environmental Management: Biodiversity Act 2004, Regulations on bio-prospecting, access and benefit sharing, 8 Feb 2008, http://faolex.fao.org/docs/pdf/saf85909.pdf [↑](#footnote-ref-62)
63. |  |  |
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    | |  | | --- | | L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010. | |

    [↑](#footnote-ref-63)
64. Wend B. Wendland, ‘Intellectual Property and the Protection of Traditional Knowledge and Cultural Expressions’, in *Art and cultural heritage: law, policy, and practice* edited by Barbara T. Hoffman, p.333. [↑](#footnote-ref-64)
65. Elizabeth Ellis, cited in ‘TOI IHO, a trade mark signifying excellence in Maori art, is to be reclaimed by Maori ‘ <http://www.newswire.co.nz/2010/02/maori-save/> [↑](#footnote-ref-65)
66. ‘TOI IHO, a trade mark signifying excellence in Maori art, is to be reclaimed by Maori ‘ <http://www.newswire.co.nz/2010/02/maori-save/> [↑](#footnote-ref-66)
67. ‘Creative New Zealand statement on disinvestment in toi iho™‘ <http://www.toiiho.com/> [↑](#footnote-ref-67)
68. ‘TOI IHO, a trade mark signifying excellence in Maori art, is to be reclaimed by Maori ‘ <http://www.newswire.co.nz/2010/02/maori-save/> [↑](#footnote-ref-68)
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70. Toi Iho in Maori Control (finally!), May 22, 2010. http://news.tangatawhenua.com/archives/5166 [↑](#footnote-ref-70)
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72. ‘Swakopmund Protocol on TK available online’, TK Bulletin, http://tkbulletin.wordpress.com/2010/09/15/this-week-in-review-%E2%80%A6-swakopmund-protocol-on-tk-available-online/ [↑](#footnote-ref-72)
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74. WIPO case studies, http://www.wipo.int/export/sites/www/tk/en/culturalheritage/casestudies/hopi\_protocols.pdf [↑](#footnote-ref-74)