

**Definitions for « intangible cultural heritage »  
Member States**

*(Replies to questionnaires sent to National Commissions in February and August 2000)*

**Note :** Unofficial translations of original definitions are in bold.

	Definition given by	Definition
<b>Africa</b>		
<i>Benin</i>		- - -
<i>Cameroon</i>	National Commission	Le « patrimoine culturel et immatériel » ou culture traditionnelle et populaire est défini comme « l'ensemble des productions mentales, symboliques, rituelles, orales et sociales non matérielles » propres à une communauté donnée et transmises de génération en génération. Il s'agit : a) du patrimoine symbolique : croyances, cérémonies culturelles et festives, rites, cérémonies funéraires, représentation du monde ; b) des productions littéraires orales ou écrites : contes, légendes, proverbes, épopées, gestes, mythes, devinettes ; c) des langues ; d) des techniques traditionnelles d'éducation et d'apprentissage ; e) de l'organisation sociale : modes de gouvernement, de pouvoir, des institutions ; f) des techniques du corps : civilités, conduites sociales, salutations ; g) des connaissances scientifiques et des productions de la technologie.
<i>Ethiopia</i>	<i>1<sup>st</sup> reply</i> : Ministry of Information and Culture <i>2<sup>nd</sup> reply</i> : definition given in the proclamation n° 209/2000	<i>1<sup>st</sup> reply (5.10.00)</i> : Folklore is expressed as traditional artistic heritage developed and maintained over generations by a community or by individuals reflecting the traditional artistic expression. <i>2<sup>nd</sup> reply (16.11.00)</i> : « Intangible Cultural Heritage » means any Cultural Heritage that cannot be felt by hands but can be seen or heard and includes different kinds of performances and show, folklore, religious, belief, wedding and mourning ceremonies, music, drama, literature and similar other cultural values, traditions and customs of nations, nationalities and peoples).
<i>Madagascar</i>	National Commission of Madagascar	<b>The entire transcendental values contained in the beliefs, the conception and arrangement of space, the conception of time, rites attached to the major events in life and the production activities, traditional and popular songs and dances, language, traditional oral literature, crafts and handicrafts, traditional games and sports, art.</b> L'ensemble des valeurs transcendantes contenues dans les croyances, conception et aménagement de l'espace, conception du temps, rites rattachés aux grands événements de la vie et aux activités de production, chants et danses traditionnels et populaires, langue, littérature orale traditionnelle, métiers et artisanat, jeux et sports traditionnels, art.
<i>Republic of Guinea</i>	Direction nationale de la culture	<b>Non-physical heritage</b> Patrimoine non physique
<i>Zimbabwe</i>	Ministries of Education, Sport and Culture, Justice, Legal and Parliamentary Affairs and National Archives	The definition for intangible cultural heritage, traditional culture and folklore used in Zimbabwe is « the totality of tradition-based creations of a cultural community, expressed by a group or individuals and recognized as reflecting the expectations of a community in so far as they reflect its cultural and social identity, its standards and values are transmitted orally, by imitation or by other means. Its forms are, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, architecture and other arts. »
<b>Arab States</b>		
<i>Kuwait</i>	National Library of Kuwait	Intangible Cultural Heritage is the nation's oral heritage, folklore and spiritual culture, that consists of proverbs, habits, traditions, actions and individual and communal qualities that distinguish society from others. This cultural heritage also includes family, wedding habits, arts, letters, songs, settlements and travelling, marriage and delivery, death, food, drinks, medicine and curing, typical Kuwaiti story telling, crafts and activities of Kuwaitis in the past.

<i>Palestinian Authority</i>	Palestinian National Commission for Education, Culture and Science (definition used by the official authorities who have declared an Annual Day for this heritage).	Popular heritage.
<b>Asia and Pacific</b>		
<i>Indonesia</i>	Directorate-General for Culture	It is something that is inherited from the ancestor that cannot be touched or grasped especially by the mind (good reputation).
<i>Lao People's Democratic Republic</i>	Ministère de l'Information et de la Culture, Institut de Recherches sur la Culture (IRC), Sous-Commission Scientifique de la Commission Nationale pour l'UNESCO	<b>Intangible cultural heritage is the whole human spiritual values and practices created and adopted during its long stages of historical evolutions such as : wisdom, knowledge, know-how, arts, literature, morals, good use and social practices, etc. whose main function is to humanize and civilize oneself and the others in their life in groups or in society.</b> Le patrimoine de la culture immatérielle est l'ensemble des valeurs spirituelles et pratiques de l'homme, créées et adoptées au cours de ses longues étapes d'évolutions historiques telles que : sagesses, connaissances, savoir-faire, arts, littérature, morales, bons usages et pratiques sociales, etc. dont la fonction principale est d'humaniser et de civiliser soi-même et les siens dans leur vie en groupe ou en société.
<i>Myanmar</i>	Permanent Delegation (received from the Ministry of Foreign Affairs)	Tangible cultural is the material aspect and intangible culture is the spiritual aspect of life. Visual arts are tangible culture. Performing arts are intangible.
<i>Republic of Korea</i>	Article 2 of Cultural Properties Protection Act, amended on 1 July 1999	Intangible cultural property refers to drama, music, dance, handicrafts and other intangible cultural expressions of outstanding historical, artistic and academic value.
<b>Europe and North America</b>		
<i>Andorra</i>	Ministère du Tourisme et de la Culture	<b>The whole of tangible and intangible goods, objects, constructions, technical methods, ideas, habits and values which are part or have been part of the culture of the Andorran people and define its identity.</b> Ensemble de biens matériels et immatériels, objets, constructions, procédés techniques, idées, habitudes et valeurs qui font ou ont fait partie de la culture du peuple andorran et en définissent l'identité.
<i>Austria</i>	Austrian Commission for UNESCO (definition formulated by the Association <i>Forum Volkskultur</i> , 1990)	Folk culture is the entirety of handed-down cultural expressions of specific regions, developing out of tradition. It is tied to community and tradition and dependent on life sphere and conditions of time »
<i>Bulgaria</i>	Institute of Folklore (Bulgarian Academy of Sciences)	Definition of the Recommendation on the Safeguarding of Traditional Culture and Folklore. Strong accent is put on the interpretation of folklore as a particular type of culture, maintaining the traditional syncretic coexistence of verbal, musical, dance and folk art forms.

Croatia	Agency for the Protection of Cultural Heritage, Ministry of Culture	<p>Culture is defined, among other things, as a complete way of life and thinking of a human community. [...]</p> <p>The concept of tradition is substituted by the notion of folklore. Sometimes the tradition can also indicate culture as a whole. The notion of tradition, in a sense of folklore as a part of culture or in a sense of the entire culture, is usually related to former forms of culture or to the forms of culture which have been disappearing...</p> <p>The concept of tradition, considered either in a wider sense as culture as a whole or in a narrower sense as a folklore manifestation, according to the nowadays comprehension implies a contemporary construction projected into the past by which the present day is interpreted. [...]<sup>1</sup></p> <p>« Intangible cultural property may cover distinctive forms and phenomena of intellectual creativity being transmitted by tradition or in any other way, and particularly :</p> <ul style="list-style-type: none"> <li>- language, dialects, tongues, toponyms, and traditional literature of all kinds</li> <li>- folk creativity in the fields of music, dance, tradition, games, rituals, customs, as well as other traditional folk values,</li> <li>- traditional skills and crafts » (article 9 of the Law on the protection and conservation of cultural heritage (Official Bulletin 69/1999). </li></ul>
Cyprus	Ministry of Education and Culture	Non-material culture.
Czech Republic	Ministry of Culture	<p><b>The notion of « intangible cultural heritage » is not an established concept. It is not a notion based on a clear juridical definition.</b></p> <p><b>The concept of « intangible cultural heritage » is inherent to the concept of « cultural richnesses » as stipulated in the Constitutional Law n° 2/1991 (Act on fundamental rights and liberties) which defines the access right to cultural richnesses as a fundamental civic right. Cultural richnesses consist, on the one hand, of works created in the past, e.g. the cultural heritage, and, on the other hand, of contemporary creation and interpretation. It goes without saying that phenomena pertaining to traditional culture and folklore form an integral part of cultural richnesses, but this part is perceived more as a component of the cultural heritage, because of its link with the past.</b></p> <p><b>The same Constitutional Law also stipulates that the protection of intellectual property rights is a fundamental right without making any distinction between property pertaining to the field of high-level professional art and property concerning traditional culture and folklore.</b></p> <p>La notion de « patrimoine culturel non-matériel » n'est pas un concept établi. Ce n'est pas une notion qui repose sur une définition juridique nette.</p> <p>Le concept de « patrimoine culturel non-matériel » est inhérent à celui de « richesses culturelles » tel que stipulé dans la Loi constitutionnelle n° 2/1991 (Acte sur les droits et libertés fondamentaux) qui définit le droit d'accès aux richesses culturelles comme un droit civique fondamental. L'usage veut que les richesses culturelles renferment d'une part les œuvres créées dans le passé, c'est-à-dire le patrimoine culturel, et, d'autre part, la création et l'interprétation contemporaines. Il va sans dire que les phénomènes appartenant au domaine de la culture traditionnelle et populaire font partie intégrante des richesses culturelles, mais cette dernière est sentie plutôt, étant donné son ancrage dans le passé, comme une composante du patrimoine culturel.</p> <p>La même Loi constitutionnelle stipule également que la protection des droits de propriété intellectuelle est, elle aussi, un droit fondamental, sans qu'on fasse de distinction entre la propriété appartenant au domaine de l'art professionnel de haut niveau et celle de la culture traditionnelle et populaire.</p>

<sup>1</sup> Abstract from the definition given by the Croatian Commission for UNESCO.

<i>Finland</i>	Finnish National Commission for UNESCO	There is no definition of folklore that would cover the whole discipline. Generally the definition of the UNESCO Recommendation (1989) is acceptable. However, the distinction between « folklore in its oral and traditional form » and « applied folklore » should be emphasized : Folklore in its oral and traditional form : folklore is in such form transmitted orally and serve as shared tradition-based creations of a cultural community ; Applied folklore : the manifestations of applied folklore include folk festivals, various folk song and dance ensembles, or folklore festivals held all over the world. The programme consists of performances of applied folklore, working demonstrations and varied performances usually drawing on old traditions. Applied folklore cannot have a status of folklore proper.
<i>Germany</i>	---	---
<i>Iceland</i>	---	---
<i>Israel</i>	Center for Jewish Art (Hebrew University of Jerusalem)	For the purposes of the research and documentation work of the Center for Jewish Art, established in 1979 at the Hebrew University of Jerusalem, the definition of « intangible cultural heritage » traverses national borders and extends over time from antiquity to the present. The visual culture of the Jewish people consists of religious and secular buildings like synagogues or dwelling houses and their decoration, funerary art, ritual and household objects, illuminated manuscripts, painting and sculpture. It also includes the archival information and any sources of documentation on eradicated Jewish monuments.
<i>Italy</i>	Italian National Commission	Traditional uses and habits as instruments of identity. Not only their history and documentation, but also the attempt to try to comprehend and describe the heritage they can forward.
<i>Macedonia</i>	Macedonian National Commission for UNESCO	In the legislature of the Republic of Macedonia there is no definition of folklore, nor any other specification of folklore. Thus for the needs of this questionnaire there are no obstacles to accept the UNESCO definition of folklore, i.e. the expression of folklore as : « production containing characteristic elements of the traditional art heritage developed and maintained (practised) by the communities in the State or through individuals which reflects the traditional artistic expectations of that community ». According to the stated standards, the division of folklore heritage as material – elaborated within the context of protection and exploitation of the tangible and intangible cultural heritage and non-material – traditional literature : folk tales, folk wisdom, folk poetry, etc., folk songs and instruments and folk dances, folk visual art in various traditional media (stone, wood, metal, etc.) and of all genres as well as handcrafting and homemade handmade objects.
<i>Poland</i>	Ministry of Culture and of National Heritage	In Poland there are several definitions of « folk culture », but when we talk of folk culture we generally mean broadly-conceived rural life and work, and when defining this term we can simply say that folk culture is the sum total of the products and concepts established and used in a traditional rural or small-town community. One can also list the components and forms of community life that make up folk culture (ceremonies, family and annual customs) and the folklore associated with them (music, dance, tales and literature), folk art (sculpture, painting, musical instruments, decorative art), and an entire material sphere : work tools, equipment, construction (including church architecture), the layout of villages, etc. Folk culture is closely connected to a local community and is an expression of that community's identity, because each community has specific geographical conditions, special kinds of artifacts, its own history, traditions, etc. Thus, when talking of folk culture, we have in mind regional culture, a « little homeland » of the people living there.
<i>Republic of Lithuania</i>	Lithuanian National Commission for UNESCO (reply of 18 April 2000)  Law on the Principles of State Protection of Ethnic Culture (Article 2, item 4) –reply of 5 October 2000-	Intangible heritage represents unique traditional cultural phenomena, transmitted orally, through the imitation or other means within family, group, community and dissemination in traditional forms : language (dialects), vocal, instrumental, choreographic folklore, oral folk creativity, beliefs, myths, customs, rituals, skills of folk art, handicrafts and rural activities, medical, pedagogical, astronomical and other systems of folk wisdom, through information and communication. ( <i>information taken from the letter of 18 April 2000</i> )  The term « ethnic culture » is more widely used in this country. Its definition is given in the Law on the Principles of State Protection of Ethnic Culture (Article 2, item 4) : « Ethnic culture includes the sum total of cultural properties, created by the entire nation (etnos), passed from generation to generation and constantly renewed, which makes it possible to preserve the national identity and consciousness and uniqueness of ethnographic regions ».

<i>Romania</i>	National Commission of Romania	The intangible cultural patrimony is represented by folklore. Folklore is component of culture which manifests orality, variation, collective character, syncretism ; it is a continuous process within tradition and innovation interact ; it works in rural and urban contexts ; it is actualized syncretically by literary, musical and choreic texts, within a certain context and with a defined/precise function.
<i>Spain</i>	Established on the basis of Title VI of the Law 16/1985 of 25 June concerning the Spanish historical heritage dedicated to the Ethnographic Heritage (see articles 46 and 47 in annex).	<p><b>The definition of « intangible cultural heritage » (traditional culture and folklore) does not exist in the legislation of Spain except for the aspects referred to in Title VI of the Law 16/1985 of 25 June, concerning the Spanish historical heritage dedicated to the Ethnographic Heritage (see articles 46 and 47 in annex).</b></p> <p><b>« Intangible cultural heritage » (traditional culture and folklore) is included in the « knowledge and activities which are or have been expressions of traditional culture », and in their rooting and customary transmission, as established in Title VI of the Law on the Spanish historical heritage. This norm considers the cultural heritage from a perspective focussed on material expressions, without special emphasis on traditional culture and folklore (oral or intangible) which would permit referring to its identification or protection through concrete legal norms. However, traditional culture is taken into consideration in its festive and popular aspects, which do not correspond to the concept of material expression, as is the case for the feasts of touristic interest. These very diverse celebrations, which, culturally speaking, are rich in the whole country, are mentioned in the Declaration of feasts of turistic interest, depending on the General Directorate of Tourism, Ministry of Economy and Finance. This Declaration concerns feasts which contain a touristic interest at the national or international level (Orden Ministerial of 29 September 1987 -B.O.E. of 27 October 1987-). This Declaration competes with the corresponding organs in the Autonomous Communities.</b></p> <p>La definición de « patrimonio cultural inmaterial » (cultura tradicional y popular) no existe recogida en la legislación del Estado español salvo en los aspectos a los que se refiere el Título VI de la Ley 16/1985, de 25 de junio, del Patrimonio Histórico Español, dedicado al Patrimonio Etnográfico (ver artículos 46 y 47 en anexo).</p> <p>De modo que el « patrimonio cultural inmaterial » (cultura tradicional y popular) se entiende incluido entre los « conocimientos y actividades que son o han sido expresión relevante de la cultura tradicional », así como en el arraigo y transmisión consuetudinaria de los mismos, tal como establece el citado Título VI de la Ley del Patrimonio Histórico Español. Esta norma, sin embargo, contempla el patrimonio cultural desde una óptica primordialmente enfocada hacia los objetos materiales, sin que exista un tratamiento específico de la cultura tradicional y popular en su vertiente oral o inmaterial que permita hablar de su identificación o de su protección a través de normas jurídicas concretas.</p> <p>No obstante, a pesar de este enfoque material del patrimonio cultural, sí existe una toma en consideración de la cultura tradicional en sus aspectos festivos y populares, que no se corresponde tanto con el concepto de objeto material, como es la significada por las Fiestas de Interés Turístico. Dichas celebraciones, muy variadas y culturalmente muy ricas a lo ancho de todo el territorio nacional, son objeto de la Declaración de Fiesta de Interés Turístico, competencia de la Dirección General de Turismo, del Ministerio de Economía y Hacienda. Esta Declaración afecta a las fiestas cuyo interés turístico alcanza carácter nacional o internacional, y está regulada por la Orden Ministerial de 29 de septiembre de 1987 (B.O.E. de 27 de octubre de 1987). Con carácter regional o autonómico, la Declaración de Interés Turístico compete a los órganos correspondientes de las Comunidades Autónomas.</p>
<b>Latin America and the Caribbean</b>		
<i>Argentina</i>	Comisión Nacional Argentina	<p><b>Although there is no unified definition, it could be considered as « the vast kindgom of traditional and popular beliefs, the heterogenous of oral traditional and domestic rites » (García – Rolandi) or « cultural expressions whose antecedents can be found in past generations and comprise habits, customs, traditions, handicraft technologies, beliefs, popular religiosity, alternative medicines, music and dances, rites and ceremonies existing in various natural societies (folkloric, indigenous, urban) ».</b></p> <p>Si bien no existe una definición unificada se puede considerar como « el vasto reino de las creencias tradicionales y populares, la heterogénea masa de las tradiciones orales y los ritos domésticos (García – Rolandi) o « toda manifestación cultural cuyos antecedentes se encuentren en las generaciones pasadas y abarcan los usos, costumbres, tradiciones, tecnologías artesanales, creencias, religiosidad popular, medicinas alternativas, música y danzas, ritos y ceremonias vigentes en distintas sociedades naturales (folkloricas, aborígenes, urbanas).</p>

<i>Brazil</i>	Article 216 of the Federal Constitution of 1988	<p><b>Definition of cultural heritage (article 216 of the Federal Constitution of 1988) : « goods of a material or non-material nature, taken individually or as a whole, bearing reference of identity, action and memory of different founding groups of the Brazilian identity ».</b></p> <p>Définition du patrimoine culturel (article 216 de la Constitution fédérale de 1988) : « biens de nature matérielle et immatérielle, pris individuellement ou ensemble, porteurs de référence sur l'identité, l'action, la mémoire des différents groupes formateurs de l'identité brésilienne ».</p>
<i>Dominican Republic</i>	<p>Centro de Inventario de Bienes Culturales, Oficina de Patrimonio Cultural, Presidencia de la República :</p> <p>Law n° 318 of June 1968 (article 5) and Law n° 41-00 of June 2000 (Title I, definitions and fundamental principles, Chapter I, Definitions, Art. 1, paragraph 2).</p>	<p><b>Article 5 of the Law n° 318 of June 1968 on the Cultural Heritage of the Nation : « The typical material expressions of the Dominican tradition and particularly the most representative plastic expressions of popular art and handicrafts ».</b></p> <p><b>Law n° 41-00 creating the State Secretary for Culture (Title I, definitions and fundamental principles, Chapter I, Definitions, Art. 1, paragraph 2, June 2000) : The cultural heritage of the Nation comprises all cultural tangible and intangible goods, values and symbols which express the Dominican nation, such as traditions, customs and habits, as well as all goods, including those submerged under water, material and non-material, movable and immovable, which have a special interest : historical, artistic, aesthetic, plastic, architectonic, urban, archeological, environmental, ecological, linguistic, sonorous, musical, audio-visual, filmic, scientific, technological, testimonial, documental, literary, bibliographic, museographic, anthropological ; and events, products and representations of popular culture.</b></p> <p>Art. 5 de la Ley n° 318 del 14 de junio de 1968 sobre el Patrimonio cultural de la Nación : « Forman el patrimonio folclórico, a los efectos de esta Ley, la pluralidad de manifestaciones materiales típicas de la tradición dominicana y, en especial, las expresiones plásticas más representativas del arte popular y las artesanías ».</p> <p>Ley n° 41-00 que crea la Secretaría de Estado de Cultura (Título I, Definiciones y principios fundamentales, Capítulo I, Definiciones, Art. 1. Acápito 2, junio 2000) : « El patrimonio cultural de la Nación comprende todos los bienes, valores y símbolos culturales tangibles e intangibles que son expresión de la nación dominicana, tales como las tradiciones, las costumbres y los hábitos, así como el conjunto de bienes, incluidos aquellos sumergidos en el agua, materiales e inmateriales, muebles e inmuebles, que poseen un especial interés histórico, artístico, estético, plástico, arquitectónico, urbano, arqueológico, ambiental, ecológico, lingüístico, sonoro, musical, audiovisual, fílmico, científico, tecnológico, testimonial, documental, literario, bibliográfico, museográfico, antropológico y las manifestaciones, los productos y las representaciones de la cultura popular ».</p>
<i>Mexico</i>	Dirección General de Culturas Populares del Consejo Nacional para la Cultura y las Artes	<p><b>Cultural heritage does not only consist of the sum of artistic works, historical objects and monuments, neither does it only have a material, tangible nature, but it gives equal importance to the creativity of collectivities, values, knowledge, instruments and creations emerging from traditions, festivities, language, housing, social and daily life.</b></p> <p><b>There is no national culture without taking into account the real cultural heritage from a nation, e.g. the sum of heritages of all its communities, people and social groups, heritage of which emerges the popular culture.</b></p> <p><b>The concept of popular culture obeys a reality present in people's life in which exist not only oral tradition, handicrafts, music, dance and traditions, but also communitarian practices in fields such as social organization, traditional medicine, historical memory, ecology, alternative communication means and spaces.</b></p> <p><b>It also consists of different social areas in which popular culture is created and recreated : indigenous communities, rural people and urban groups, e.g. the areas in which popular culture is expressed (ethnic, rural, regional and urban-popular cultures) and is renewed as a result of an intense dialectic between tradition and renovation which creates new and vital forms of cultural, artistic creation and of lifestyles.</b></p> <p>El patrimonio cultural no consiste tan sólo en la suma de obras artísticas, objetos históricos y monumentos, ni tiene exclusivamente un carácter material, tangible, sino que en él tiene un lugar igualmente importante la creatividad de las colectividades, los valores, los conocimientos, los instrumentos y las creaciones que toman cuerpo en las tradiciones, las festividades, el habla, la habitación, la vida social y la cotidiana. No puede haber, tampoco, una cultura nacional sin tomar en cuenta el patrimonio cultural real de una nación, es decir la suma de los patrimonios de todas y cada una de sus comunidades, poblaciones y grupos sociales, patrimonio en donde sobresale la cultura popular.</p> <p>El concepto de cultura popular obedece a una realidad presente en la vida de los</p>

		<p>pueblos, en donde se da cabida no sólo a la tradición oral, las artesanías, la música, la danza y las tradiciones, sino también a las prácticas comunitarias en campos como la organización social, la medicina tradicional, la memoria histórica, la ecología y los medios y espacios de comunicación alternativa, entre otros.</p> <p>Comprende también las distintas esferas sociales en las que la cultura popular se crea y se recrea : las comunidades indígenas, las poblaciones rurales y los núcleos urbanos. Es decir, los ámbitos en los que la cultura popular se expresa en forma de culturas étnicas, campesinas, regionales y urbano populares, y se genera como resultado de una intensa dialéctica entre tradición y renovación que da lugar a formas inéditas y de vitalidad sorprendente de creación cultural, artística y de diferentes estilos de vida.</p>
Paraguay	- - -	<p><b>Law 946 on the protection of cultural goods (Project of amendment), Chapter II on Cultural Heritage</b></p> <p><b>Article 3 : « in the framework of this law, the Paraguayan cultural heritage consists of the following goods :</b></p> <ol style="list-style-type: none"> <li><b>1. movable and immovable goods which have been declared or are declared national monument, historical entity, historical site or archaeological zone ;</b></li> <li><b>2. monuments : sculptural, pictorial and architectonic works, whatever the era, including caverns and inscriptions which have a value for culture from the historical, scientific, artistic and traditional point of view</b></li> <li><b>3. entities : groups of constructions, isolated and joined which have an historical, artistic or scientific value because of their architecture, unity or integration in the landscape. »</b></li> </ol> <p>Proyecto de Modificación de la Ley 946 de Protección a los Bienes Culturales, Capítulo II « del Patrimonio Cultural » :</p> <p>Art. 3º: « A los efectos de esta Ley, el Patrimonio Cultural paraguayo está constituido por los bienes señalados seguidamente :</p> <ol style="list-style-type: none"> <li>1. Los bienes muebles e inmuebles que hayan sido declarados o se declaren Monumento Nacional, Conjunto Histórico, Sitio Histórico o Zona Arqueológica ;</li> <li>2. Los monumentos : obras escultóricas, pictóricas o arquitectónicas colosales o modestas de cualquier época, inclusive las cavernas y las inscripciones que tengan valor para la cultura desde el punto de vista de la historia, la ciencia, el arte y la tradición ;</li> <li>3. Los conjuntos : grupos de construcciones, aisladas o reunidas que por su arquitectura, unidad o integración en el paisaje tengan un valor histórico, artístico o científico.</li> </ol>
Peru	Instituto Nacional de Cultura, Dirección Ejecutiva, Oficina de Promoción Cultural del Ministerio de Relaciones Exteriores	<p><b>Cultural heritage comprises : music, song, dance, rites, customs, traditions and other related activities, constituted of real artistic expressions and artistic creations of people in the purpose of transmitting, promoting, conserving and preserving them.</b></p> <p>Es el patrimonio cultural vivo comprendido por la música, canto, danza, ritos, costumbres, tradiciones y otras actividades afines, constituido por la genuinas expresiones artísticas y creaciones artísticas de un pueblo con el fin de difundirlas, promoverlas, conservarlas y preservarlas.</p>
Venezuela	Dirección de Conservación de Testimonios y Procesos Culturales, Instituto del Patrimonio Cultural, Ministerio de educación, cultura y deportes	<p><b>Instead of non-material or intangible heritage the term « living heritage » or « cultural living heritage » is used, referring to all expressions which comprise the systems of non-articulated language : languages, dialects and idiodialects ; mythological representations ; oral forms of verbal creation ; magical-religious beliefs and practices ; technical, erotic, ludic, artistic, architectonic, literary, war, economic, political, scientific, technological, religious and philosophical aptitudes and expressions, whose expression can be perceived in the past and in the present, and which cannot, in both cases, be separated from the contexts, acts, behaviours and personal or group activities in which they are expressed.</b></p> <p>En Venezuela en lugar de patrimonio inmaterial o intangible utilizamos el término patrimonio vivo o patrimonio cultural viviente, refiriéndonos al conjunto de manifestaciones que abarca los sistemas de lenguaje no articulado : los idiomas, dialectos e idiolectos ; las representaciones mitológicas ; las formas orales de creación verbal ; las creencias y prácticas mágico religiosas ; las aptitudes y expresiones técnicas, eróticas, lúdicas, artísticas, arquitectónicas, literarias, bélicas, económicas, políticas, científicas, tecnológicas, religiosas y filosóficas cuya expresión se puede captar desde el pasado o en el presente, siendo en ambos casos inseparable de los contextos, actos, comportamientos y actividades personales o grupales en las cuales se efectúan.</p>

**Replies of Inter-Governmental Organizations  
Working definitions**

**Regional Organizations**

Organization	Definitions and/or comments
<p><i>Africa</i></p> <p>African Intellectual Property Organization (AIPO) Organisation africaine de la propriété intellectuelle (OAPI)</p>	<p><b>Définitions utilisées par l'Organisation Africaine de la Propriété intellectuelle (OAPI) :</b></p> <p>1. <b>Patrimoine culturel</b> : article 67 (Accord de Bangui révisé non encore entré en vigueur) : Le patrimoine culturel est l'ensemble des productions humaines matérielles ou immatérielles caractéristiques d'un peuple dans le temps et dans l'espace . Ces productions concernent :</p> <ul style="list-style-type: none"> <li>i) le folklore ;</li> <li>ii) les sites et monuments ;</li> <li>iii) les ensembles.</li> </ul> <p>2. <b>Folklore</b> : (article 68 Accord de Bangui révisé) On entend par folklore l'ensemble des traditions et productions littéraires, artistiques, religieuses, scientifiques, technologiques et autres des communautés transmises de génération en génération.</p> <p>Entrent notamment dans cette définition :</p> <ul style="list-style-type: none"> <li>a) les productions littéraires de tout genre et de toute catégorie orale ou écrite, contes, légendes, proverbes, épopées, gestes, mythes, devinettes ;</li> <li>b) les styles artistiques</li> <li>c) les traditions et manifestations religieuses</li> <li>d) les traditions éducatives</li> <li>e) les connaissances et œuvres scientifiques</li> <li>f) les connaissances et les productions de la technologie...</li> </ul> <p><b>Définitions personnelles n'engageant pas l'OAPI :</b></p> <p>Le <b>savoir traditionnel</b> est tout savoir relatif aux propriétés biologiques, physiques, thérapeutiques et autres développé et / ou maintenu par un peuple traditionnel ou un membre, un détenteur privé ou une famille issus d'un peuple traditionnel.</p> <p>La <b>culture traditionnelle</b> est celle développée et maintenue par les peuples sédentaires ou nomades qui occupaient tout ou partie de l'espace géographique d'un pays et qui conservent et maintiennent tout ou partie de leurs institutions traditionnelles sociales, économiques, culturelles et politiques.</p>



<b><i>Asia and the Pacific</i></b>	
Association of South-East Asian Nations (ASEAN) Association des Nations de l'Asie du Sud-Est (ASEAN)	<b>Folklore</b> , in its broadest sense, as defined in a publication of the ASEAN Committee on Culture and Information entitled <i>ASEAN Folk Literature : An Anthology</i> , means « the sum total of the traditional lore or learning of the folk, and includes their literature, their beliefs, customs and usage, games and recreations, music and dances, arts and crafts, and all forms of material culture. This traditional learning has been handed down from generation to generation orally or by means of customary example.
Secretariat of the Pacific Community (SPC) Secrétariat de la Communauté du Pacifique (CPS)	<p><b><i>English version</i></b></p> <p>Definition given in the Declaration on the protection of traditional knowledge and expressions of indigenous cultures in the Pacific islands (adopted at the Symposium on the protection of traditional knowledge and expressions of indigenous cultures in the Pacific Islands, Nouméa, New Caledonia, 15-19 February 1999) :</p> <p><b>Definition of traditional knowledge and expressions of the indigenous cultures of the Pacific Islands</b></p> <p>The traditional knowledge and expressions of indigenous cultures are defined as the ways in which indigenous cultures are expressed and which are manifestations of worldviews of the indigenous peoples of the Pacific. Traditional knowledge and cultural expressions are any knowledge or any expressions created, acquired and inspired (applied, inherent or abstract) for the physical and spiritual well-being of the indigenous peoples of the Pacific. The nature and use of such knowledge and expressions are transmitted from one generation to the next to enhance, safeguard and perpetuate the identity, well-being and rights of the indigenous peoples of the Pacific. This knowledge and these expressions include and are not limited to:</p> <ul style="list-style-type: none"> <li>- spirituality, spiritual knowledge, ethics and moral values,</li> <li>- social institutions (kinship, political, traditional justice),</li> <li>- dances, ceremonies and ritual performances and practices,</li> <li>- games and sports,</li> <li>- music,</li> <li>- language,</li> <li>- names, stories, traditions, songs in oral narratives,</li> <li>- land and sea and air,</li> <li>- all sites of cultural significance and immovable cultural property and their associated knowledge,</li> <li>- cultural environmental resources,</li> <li>- traditional resource management including traditional conservation measures,</li> <li>- all material objects and moveable cultural property,</li> <li>- all traditional knowledge and expressions of indigenous cultures held in ex situ collections,</li> <li>- indigenous peoples ancestral remains, human genetic materials,</li> <li>- scientific, agricultural, technical and ecological knowledge, and the skills required to implement this knowledge (including that pertaining to resource use practices and systems of classification),</li> <li>- the delineated forms, parts and details of visual compositions (designs),</li> </ul>

permanently documented aspects of traditional indigenous cultures in all forms (including scientific and ethnographic research reports, papers and books, photographs and digital images, films and sound recordings).

*See the text of the Declaration (attached).*

***Version française***

Définition donnée dans la Déclaration sur la protection des savoirs traditionnels et des expressions des cultures traditionnelles et populaires autochtones dans les îles du Pacifique (adoptée lors du symposium sur la protection des savoirs traditionnels et des expressions des cultures traditionnelles et populaires autochtones dans les îles du Pacifique, Nouméa, Nouvelle Calédonie, 15 au 19 février 1999) :

**Définition des savoirs traditionnels et des expressions des cultures autochtones dans les îles du Pacifique**

Les savoirs traditionnels et expressions des cultures autochtones se définissent comme étant les moyens par lesquels les cultures autochtones s'expriment et qui sont des manifestations des conceptions du monde des peuples autochtones océaniques. Les savoirs traditionnels et les expressions des cultures autochtones recouvrent tous savoirs ou expressions créés, acquis et inspirés (appliqués, inhérents ou abstraits) du bien-être physique et spirituel des peuples autochtones du Pacifique. La nature et l'utilisation de ces savoirs et expressions sont transmises d'une génération à la suivante afin de valoriser, sauvegarder et perpétuer l'identité, le bien-être et les droits des peuples autochtones du Pacifique. Ces savoirs et ces expressions recouvrent les éléments suivants, sans s'y limiter :

- la spiritualité, le savoir spirituel, l'éthique et les valeurs morales,
- les institutions sociales (royauté, politique, justice traditionnelle),
- les danses, les cérémonies et les représentations et pratiques rituelles,
- les jeux et les sports,
- la musique,
- la langue,
- les noms, les contes, les traditions, les chants contenus dans les récits oraux,
- la terre, la mer et l'air,
- tous les sites présentant une signification culturelle et les biens culturels immeubles et les savoirs qui y sont associés,
- les ressources environnementales culturelles,
- la gestion des ressources traditionnelles, y compris les mesures de conservation traditionnelles,
- tous les objets matériels et les biens culturels meubles,
- tous les savoirs et expressions traditionnels des cultures autochtones détenus dans des collections ex situ,
- les restes ancestraux des peuples autochtones, les matériels génétiques humains,
- les connaissances scientifiques, agricoles, techniques et écologiques et les savoir-faire requis pour les mettre en œuvre (y compris les savoir-faire liés aux pratiques d'utilisation des ressources et aux systèmes de classification),
- les formes figuratives, les parties et les détails de compositions plastiques (dessins),

	<p>- les aspects documentés de manière permanente des cultures autochtones traditionnelles sous toutes leurs formes (y compris les rapports de recherche scientifique et ethnographique, les articles et ouvrages, les photographies et images numériques, les films et les enregistrements sonores).</p>
--	---

*Voir le texte de la Déclaration (ci-joint).*

### Interregional organizations

Organization	Definitions and/or comments
Agence de la francophonie (ACCT) Agency of la Francophonie (ACTC)	No definition.
Islamic Educational, Scientific and Cultural Organization (ISESCO) Organisation islamique pour l'éducation, les sciences et la culture (ISESCO)	<p>« <b>Patrimoine culturel immatériel</b> » : « C'est l'ensemble des valeurs, idées, croyances, coutumes, usages et lois hérités par une société donnée. » Cette définition générale n'est valable dans l'optique de l'islam que dans la mesure où elle fait des enseignements de l'islam l'émanation première et dernière de ce patrimoine, dont les composantes ne doivent en aucun cas heurter l'essence de l'islam.</p> <p>« <b>Folklore</b> » : « C'est l'ensemble des us et coutumes, des traditions esthétiques et des arts populaires et des métiers d'artisanat ».</p> <p>« <b>Culture</b> » : Dans la langue arabe, « Athaqafa », expression équivalente du mot français « culture » renvoie à l'idée d'adresse et de vivacité d'esprit dont fait preuve la personne cultivée. C'est l'ensemble des connaissances cohérentes et établies, qui sont acquises par une société donnée dans les différents domaines.</p> <p>« <b>Patrimoine oral</b> » : « C'est l'ensemble des valeurs, idées et croyances acquises par une société donnée et transmises de génération en génération par des modes d'expression littéraire orale (poésie, contes, histoires). » Cette définition générale n'est valable dans l'optique de l'islam que dans la mesure où elle fait des enseignements de l'islam l'émanation première et dernière de ce patrimoine, dont les composantes ne doivent en aucun cas heurter l'essence de l'islam.</p> <p>« <b>Savoirs traditionnels</b> » : « C'est l'ensemble des connaissances établies dans une société donnée et difficiles à changer ».</p> <p>« <b>Culture autochtone</b> » : « C'est l'ensemble des connaissances établies dans une société donnée et rattachées à son identité ».</p> <p>En considérant ces définitions et leurs applications dans les sociétés, on s'aperçoit que les religions célestes se rangent dans la catégorie des savoirs traditionnels.</p> <p>Dans les sociétés islamiques, la Charia, source première de la culture, fait la distinction entre les composantes du patrimoine qui sont conformes au système de valeurs religieux et celles qui ne le sont pas. Vu son étroite corrélation avec l'identité des peuples islamiques, l'islam est considéré comme une culture autochtone de ces peuples.</p> <p>Bien qu'en adoptant ces définitions générales, il est précisé que celles-ci restent sujettes à caution en islam tant qu'elles ne répondent pas aux critères définis par l'islam. De fait, l'Occident considère comme patrimoine islamique toute œuvre émanant des pays islamiques, cependant que l'islam ne prête l'attribut de l'islamité qu'aux faits humains qui satisfont aux prescriptions de la Charia, ou pour le moins qui n'entrent pas en contradiction avec elles. Par Charia, on entend évidemment l'ensemble des commandements dérivés du Coran et de la Sunnah.</p>

## International Organizations

Organization	Definitions and/or comments
<p>Convention on Biological Diversity Secretariat                      Secrétariat de la Convention sur la diversité biologique</p>	<p>While the Secretariat has not developed definitions, they, however, use the term « traditional knowledge, innovations and practices » to mean « the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity » as stated in article 8(j) of the Convention. This also encompasses the key elements of cultural heritage, innovations and practices of indigenous and local communities. However, the SCBD has elaborated on the key terms of article 8(j) and related provisions of the Convention (article 10(c), 17.2 and 18.4) which will be of value to UNESCO's discussion on a working definition :</p> <p>« Traditional knowledge » refers to the « body of knowledge built by a group of people through generations living in close contact with nature ». It includes a system of classification, a set of empirical observations about the local environment and a system of self-management that governs resource use.</p> <p>« Traditional forest-related knowledge » is associated with the following features :</p> <ul style="list-style-type: none"> <li>i. information about the various physical, biological and social components of a particular landscape ;</li> <li>ii. rules for using them without damaging them irreparably ;</li> <li>iii. relationship among their users ;</li> <li>iv. technologies for using them to meet the subsistence, health, trade and ritual needs of local people ; and</li> <li>v. a view of the world that incorporates and makes sense of all the above in the context of a long-term and holistic perspective in decision-making.</li> </ul> <p>During the Madrid workshop it was noted that the topic of « definition » is a very sensitive issue and of major concern to indigenous and local communities. Therefore, it is important that indigenous and local communities are involved, particularly in issues relating to « cultural heritage », « folklore » ; « traditional knowledge » and « indigenous culture ». The Conference of the Parties to the Convention on Biological Diversity at its fifth meeting emphasized the fundamental importance of ensuring the full and effective participation of indigenous and local communities in the implementation of article 8(j) and related provisions.</p> <p>The definition in the « Draft Principles and Guidelines for the Protection of the Heritage of Indigenous Peoples » as elaborated by the Sub-Commission on the Elimination of Discrimination and Protection of Minorities could also be considered. It is based on a holistic definition of what constitutes indigenous heritage : « [it] is comprised of all objects, sites and knowledge, the nature or use of which has been transmitted from generation to generation, and which is regarded as pertaining to a particular people or its territory. The heritage of an indigenous people also includes objects, knowledge and literary or artistic works which may be created in the future based upon its heritage [and] includes all moveable cultural property as defined by the conventions of UNESCO, all kinds of literary and artistic works such as music, dance, song, ceremonies, symbols and technical and ecological knowledge, including cultigens, medicines and the rationale use of flora</p>

	and fauna ; human remains ; immovable cultural burials ; and documentation of indigenous people's heritage on film, photographs, videotape or audiotape. »
UNHCHR	<p><b><i>English version</i></b> Annex 1 to document E/CN.4/Sub.2/2000/26 (report of the seminar on the draft principles and guidelines for the protection of the heritage of indigenous people)</p> <p><b>Principles and guidelines for the protection of the heritage of indigenous people</b></p> <p><b><i>Guidelines</i></b></p> <p><i>Definitions</i></p> <p>12. The heritage of indigenous peoples has a collective character and is comprised of all objects, sites and knowledge including languages, the nature or use of which has been transmitted from generation to generation, and which is regarded as pertaining to a particular people or its territory of traditional natural use. The heritage of indigenous peoples also includes objects, sites, knowledge and literary or artistic creation of that people which may be created or rediscovered in the future based upon their heritage.</p> <p>13. The heritage of indigenous peoples includes all moveable cultural property as defined by the relevant conventions of UNESCO; all kinds of literary and artistic creation such as music, dance, song, ceremonies, symbols and designs, narratives and poetry and all forms of documentation of and by indigenous peoples; all kinds of scientific, agricultural, technical, medicinal, biodiversity-related and ecological knowledge, including innovations based upon that knowledge, cultigens, remedies, medicines and the use of flora and fauna; human remains; immovable cultural property such as sacred sites of cultural, natural and historical significance and burials.</p> <p>14. Every element of an indigenous peoples' heritage has owners, which may be the whole people, a particular family or clan, an association or community, or individuals, who have been specially taught or initiated to be such custodians. The owners of heritage must be determined in accordance with indigenous peoples' own customs, laws and practices.</p> <p><b><i>Version française</i></b> Annexe 1 au document E/CN.4/Sub.2/2000/26 (rapport du Séminaire sur le projet de principes et directives pour la protection du patrimoine des peuples autochtones)</p> <p><b>Principes et directives pour la protection du patrimoine des peuples autochtones</b></p> <p><b><i>Directives</i></b></p> <p><i>Définitions</i></p> <p>12. Le patrimoine des peuples autochtones revêt un caractère collectif et se compose de tous les objets, sites et connaissances, y compris les langues, dont la nature ou l'utilisation a été transmise de génération en génération et qui sont considérés comme appartenant à un peuple particulier ou à son territoire d'utilisation normale traditionnelle. Le patrimoine d'un peuple autochtone comprend aussi les objets, les sites, les connaissances et les créations littéraires ou artistiques susceptibles d'être générées ou redécouvertes à l'avenir à partir de son patrimoine.</p>

	<p>13. Le patrimoine des peuples autochtones comprend tous les biens culturels meubles tels que définis par les conventions pertinentes de l'UNESCO; toutes les formes de création littéraire et artistique telles que la musique, la danse, les chants, les cérémonies, ainsi que les symboles et graphismes, les narrations et la poésie et toutes les formes de documentation appartenant aux peuples autochtones ou générées par eux; toutes les formes de connaissances scientifiques, agricoles, techniques, médicinales, liées à la diversité biologique et écologique, y compris les innovations fondées sur ces connaissances, les cultigènes, les remèdes, les médicaments et l'utilisation de la flore et de la faune; les restes humains; les biens culturels immeubles tels que les sites sacrés revêtant une importance culturelle, liée à la nature et historique, et les lieux de sépulture.</p> <p>14. Chaque élément du patrimoine des peuples autochtones a des propriétaires : soit l'ensemble du peuple, soit une famille ou un clan donné, soit une association ou une communauté, soit des individus spécialement formés ou initiés pour en être les gardiens. Les propriétaires du patrimoine doivent être déterminés conformément aux coutumes, lois et pratiques des peuples autochtones.</p>
<p>International Labour Office (ILO) Organisation internationale du travail (OIT)</p>	<p><i>Gives references to articles of the Convention n° 169 referring to the protection of the rights of indigenous and tribal peoples.</i></p> <p>Although Convention n° 169 does cover a wide range of issues that are of primary importance to indigenous and tribal peoples, it does not contain precise definitions. The Convention does address the cultures, traditions and institutions of indigenous and tribal peoples in a number of its articles, taking into account the broader context in which these exist. To the extent that traditional knowledge, folklore, and oral and cultural heritage constitute elements of these cultures, traditions and institutions, they are covered by these provisions. Those of particular relevance are outlined below.</p> <p>The Convention adopts an holistic approach to the protection of the rights of indigenous and tribal peoples, stipulating that in applying the provisions of the Convention, due account must be taken of their cultures, traditions, institutions and their social and cultural identities. This a theme that is reflected in several articles of the Convention. In this respect, article 4.1 reads as follows : « Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned ».</p> <p>With regard to the protection of traditional knowledge through customary law and practice, article 8 states that indigenous and tribal peoples have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights enshrined by the national legal system, and with internationally recognized human rights.</p> <p>The Convention also highlights the importance of addressing the special educational needs of indigenous and tribal peoples as an important medium through which traditional knowledge and culture, including folklore and oral heritage, may be passed from generation to generation. In this respect article 27.1 of the Convention provides that education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations. In addition, article 27 also recognises the right of indigenous and tribal peoples to establish their own educational institutions and facilities, provided that these meet with minimum standards established by the competent authority, and in consultation with these peoples. Article 28 highlights the importance of indigenous and tribal children being taught in their own indigenous language, or in the language most commonly used by the group to which they belong.</p>

	<p>Another aspect of traditional knowledge that is addressed by the Convention relates to health care. In this respect, the Convention maintains the importance of traditional systems of health care, asserting that in the planning and administration of health services, and in co-operation with the peoples concerned, their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.</p>
<p>World Trade Organization (WTO) Organisation mondiale du commerce (OMC)</p>	<p><i>Abstract from the letter (21.2.01) :</i> The TRIPs (Trade-Related Aspects of Intellectual Property Rights) Agreement, which is part of the Agreement establishing the World Trade Organization, incorporates some international treaties, in particular the Berne Convention for the Protection of Literary and Artistic Works, administered by the World Intellectual Property Organization. The TRIPs Agreement itself does not deal with the definitions of the concepts [...]. The body responsible for the TRIPs Agreement, the TRIPs Council, is currently discussing the reviews of articles 27.3(b) and 71.1. In the context of the review under article 27.3(b) (exclusion of certain plant and animal inventions from patentability), some delegations have raised the issue of the protection of « traditional knowledge ». In the discussions, questions were raised concerning the clarification of the concept of « traditional knowledge » and of its ownership. However, the TRIPs Council has not addressed the issue of definitions specifically and has not an agreed mandate to work on them.</p>
<p>World Health Organization (WHO) Organisation mondiale de la santé (OMS)</p>	<p><i>Abstract from the General Guidelines for methodologies on research and evaluation of traditional medicine :</i> « Traditional medication involves the use of herbal medicines, animal parts and minerals. As herbal medicines are the most widely used of the three, and as the other types of materials involve other complex factors, the guidelines presented concentrate on herbal medicines. Certain definitions in the field of herbal medicines have been presented in other WHO guidelines: <i>Guidelines for the assessment of herbal medicines</i> and <i>Research guidelines for evaluating the safety and efficacy of herbal medicines</i>. In order to make WHO definitions consistent, certain terms have now been redefined. Furthermore, the following definitions have been developed in order to meet the demand for the establishment of standard, internationally accepted definitions to be used in the evaluation and research of herbal medicines. These definitions may differ from those in regulations in countries where traditional medicine is used. Therefore, these definitions are for reference only: <b>Herbs:</b> Herbs include crude plant material such as leaves, flowers, fruit, seed, stems, wood, bark, roots, rhizomes or other plant parts, which may be entire, fragmented or powdered. <b>Herbal materials:</b> Herbal materials include, in addition to herbs, fresh juices, gums, fixed oils, essential oils, resins and dry powders of herbs. In some countries, these materials may be processed by various local procedures, such as steaming, roasting, or stir-baking with honey, alcoholic beverages or other materials. <b>Herbal preparations:</b> Herbal preparations are the basis for finished herbal products and may include comminuted or powdered herbal materials, or extracts, tinctures and fatty oils of herbal materials. They are produced by extraction, fractionation, purification, concentration, or other physical or biological processes. They also include preparations made by steeping or heating herbal materials in alcoholic beverages and/or honey, or in other materials.</p>



	<p><b>Finished herbal products:</b> Finished herbal products consist of herbal preparations made from one or more herbs. If more than one herb is used, the term mixture herbal product can also be used. Finished herbal products and mixture herbal products may contain excipients in addition to the active ingredients. However, finished products or mixture products to which chemically defined active substances have been added, including synthetic compounds and/or isolated constituents from herbal materials, are not considered to be herbal.</p> <p><b>Traditional use of herbal medicines:</b> Herbal medicines include herbs, herbal medicines, herbal preparations and finished herbal products, that contain as active ingredients parts of plants, or other plant materials, or combinations. Traditional use of herbal medicines refers to the long historical use of these medicines. Their use is well established and widely acknowledged to be safe and effective, and may be accepted by national authorities.</p> <p><b>Therapeutic activity:</b> Therapeutic activity refers to the successful prevention, diagnosis and treatment of physical and mental illnesses; improvement of symptoms of illnesses; as well as beneficial alteration or regulation of the physical and mental status of the body.</p> <p><b>Active ingredients:</b> Active ingredients refer to ingredients of herbal medicines with therapeutic activity. In herbal medicines where the active ingredients have been identified, the preparation of these medicines should be standardized to contain a defined amount of the active ingredients, if adequate analytical methods are available. In cases where it is not possible to identify the active ingredients, the whole herbal medicine may be considered as one active ingredient.</p>
<p>World Intellectual Property Organization (WIPO) Organisation mondiale de la propriété intellectuelle (OMPI)</p>	<p>Abstract from the reply (attached): The working definitions presently being used by WIPO derive from the information obtained during the fact-finding missions (FFM's), as well as the results of other WIPO activities in this field, such as the Roundtables on Intellectual Property and Traditional Knowledge held in 1998 and 1999.</p> <p style="padding-left: 40px;">Before listing the working definitions, a few preliminary comments are necessary:</p> <ol style="list-style-type: none"> <li>1. Within any discussion, the importance of establishing a common framework of understanding is vital for productive dialogue. One of the complicating factors in any discussion of appropriate terminology in relation to TK, is perhaps not the lack of terminology, but rather the diverse meanings and connotations associated with the existing terminology. As traditional knowledge and folklore receive increased attention in numerous policy forums and debates, ranging from food and agriculture, the environment, health, human rights, and cultural policies, to trade and economic development, various related, and in some cases overlapping, terms are used in each of these forums and debates. In addition, as was found on the FFM's, many of the words used to describe issues in this field have different meanings in different countries and regions and in different languages;</li> <li>2. We also learned from the FFM's that the context in which TK is generated and preserved is important to its meaning. Therefore, any description or definition of TK must reflect the internal cultural cognitive categories of the particular community and must necessarily be developed on a case by case basis. It would be incorrect to assume that all indigenous communities are homogenous. Only the most general definitions can be formulated. In addition, WIPO acknowledges the right of indigenous groups, local communities and other TK holders, to decide what constitutes their own</li> </ol>

knowledge, innovation, cultures and practices, and the ways in which they should be defined;

3. A related, but equally important, point relating to the selection of appropriate terms to describe the subject matter, is the selection of terms to describe the holders/custodians of such subject matter. This question is linked in some respects to questions concerning the beneficiaries of the conservation, preservation, dissemination and protection of the subject matter;

4. As mentioned above, the working definitions below are as contained in the draft report on WIPO's fact-finding missions on traditional knowledge conducted in 1998 and 1999. On the basis of comments received during the public commenting period, these working definitions are the subject of further reflection and will undergo some revision.

The working definitions for the terms "expressions of folklore", "heritage", "indigenous", "indigenous knowledge", "traditional knowledge" and "traditional knowledge holder" are set out below:

### **Expressions of Folklore**

WIPO uses the term "expressions of folklore" in the sense in which it is used in the WIPO-UNESCO Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and other Prejudicial Actions, 1982 (the "Model Provisions"). Section 2 of the Model Provisions provides that "expressions of folklore" are understood as productions consisting of characteristic elements of the traditional artistic heritage developed and maintained by a community in the country or by individuals reflecting the traditional artistic expectations of such a community.

Only "artistic" heritage is covered by the Model Provisions. This means that, among other things, traditional beliefs, scientific views (e.g. traditional cosmogony) or merely practical traditions as such, separated from possible traditional artistic forms of their expression, do not fall within the scope of the proposed definition of "expressions of folklore." On the other hand, "artistic" heritage is understood in the widest sense of the term and covers any traditional heritage appealing to our aesthetic sense. Verbal expressions, musical expressions, expressions by action and tangible expressions may all consist of characteristic elements of the traditional artistic heritage and qualify as protected expressions of folklore.

The Model Provisions also offer an illustrative enumeration of the most typical kinds of expressions of folklore. They are subdivided into four groups according to the forms of the "expressions," namely expressions by words ("verbal"), expressions by musical sounds ("musical"), expressions "by action" (of the human body) and expressions incorporated in a material object ("tangible expressions"). The first three kinds of expressions need not be "reduced to material form," that is to say, the words need not be written down, the music need not exist in musical notation and the dance need not exist in choreographic notation. On the other hand, tangible expressions by definition are incorporated in a permanent material, such as stone, wood, textile, gold, etc. The Model Provisions also give examples of each of the four forms of expressions. They are, in the first case, "folk tales, folk poetry and riddles," in the second case, "folk songs and instrumental music," in the third case, "folk dances, plays and artistic forms of rituals," and in the fourth case, "drawings, paintings, carvings, sculptures, pottery, terra-cotta, mosaic, woodwork, metalware, jewelry, basket weaving, needlework, textiles, carpets, costumes; musical instruments; architectural forms."

WIPO is aware that the term "folklore" is believed to have a pejorative meaning by many commentators. As this is,

however, the term that has been used at the international level for many years, WIPO has retained it for the present.

### **Heritage**

The term “heritage” appears within the context, of for example, the “heritage of indigenous peoples”. WIPO understands “heritage of indigenous peoples” (and other peoples) to refer broadly to the items described in paragraphs 11 and 12 of the Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People, 1995, elaborated by the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Dr. Erica Irene Daes. This document is currently under revision. However, paragraph 12 currently provides that:

*“The heritage of indigenous peoples includes all moveable cultural property as defined by the relevant conventions of UNESCO; all kinds of literary and artistic works such as music, dance, song, ceremonies, symbols and designs, narratives and poetry; all kinds of scientific, agricultural, technical and ecological knowledge, including cultigens, medicines and the rational use of flora and fauna; human remains; immovable cultural property such as sacred sites, sites of historical significance, and burials; and documentation of indigenous peoples’ heritage on film, photographs, videotape or audiotape.”*

### **Indigenous**

The description of the concept “indigenous” in the Study of the Problem of Discrimination Against Indigenous Populations<sup>i</sup>, prepared by Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. J. Martínez Cobo, is regarded as an acceptable working definition by many indigenous peoples and their representative organizations. The Study understands indigenous communities, peoples and nations as *“those which, having a historical continuity with ‘pre-invasion’ and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those countries, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identities, as the basis of their continued existence as peoples, in accordance with their own cultural pattern, social institutions and legal systems”*.

WIPO uses the term “indigenous” communities, peoples and nations in the sense as so described.

### **Indigenous Knowledge**

Indigenous knowledge is knowledge held and used by communities, peoples and nations that are indigenous as described above. Indigenous knowledge fits into the traditional knowledge category, but traditional knowledge is not necessarily indigenous. That is to say, indigenous knowledge is traditional knowledge, but not all traditional knowledge is indigenous (see figure 1).<sup>ii</sup>

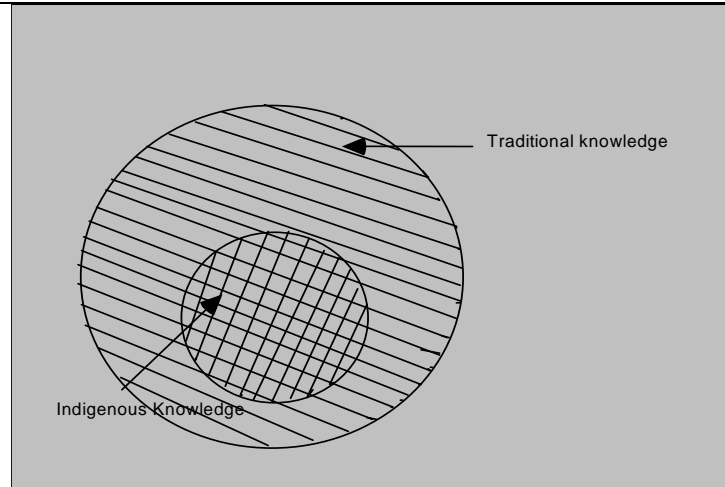


Figure 1.

**Traditional Knowledge**

“Traditional knowledge” is one of several terms used to describe broadly the same subject matter. Other terms in usage include “indigenous cultural and intellectual property”, “indigenous heritage” and “customary heritage rights”. WIPO currently uses the term “traditional knowledge” to refer to tradition-based literary, artistic or scientific works; performances; inventions; scientific discoveries; designs; marks, names and symbols; undisclosed information; and all other tradition-based innovations and creations resulting from intellectual activity in the industrial, scientific, literary or artistic fields. “Tradition-based” refers to knowledge systems, creations, innovations and cultural expressions which: have generally been transmitted from generation to generation; are generally regarded as pertaining to a particular people or its territory; have generally been developed in a non-systematic way; and, are constantly evolving in response to a changing environment. Categories of traditional knowledge include: agricultural knowledge; scientific knowledge; technical knowledge; ecological knowledge; medicinal knowledge, including related medicines and remedies; biodiversity-related knowledge; “expressions of folklore” in the form of music, dance, song, handicrafts, designs, stories and artwork; elements of languages, such as names, geographical indications and symbols; and, movable cultural properties. Excluded from this description of TK would be items not resulting from intellectual activity in the industrial, scientific, literary or artistic fields, such as human remains, languages in general, and “cultural heritage” in the broad sense.

WIPO’s description of the subject matter naturally reflects its IP focus. WIPO’s activities are concerned with the possible protection of traditional knowledge that is “intellectual property” in the broad sense as described in the definition of “intellectual property” in the WIPO Convention, particularly in article 2(viii).

For purposes of the FFMs, WIPO also used the expressions “traditional knowledge, innovations and culture” and “traditional knowledge, innovations and practices,” which, for WIPO, had the same meaning as the shorter “traditional knowledge”.

“Traditional knowledge” is a working term only, and is set out here to describe the scope of WIPO’s research and consultations. WIPO acknowledges the right of indigenous groups, local communities and other TK holders to decide what constitutes their own knowledge, innovations, cultures and practices, and the ways in which they should be defined.

**Traditional Knowledge Holder**

WIPO uses the term “traditional knowledge holder” to refer to all persons who create, originate, develop and practice traditional knowledge in a traditional setting and context. Indigenous communities, peoples and nations are traditional knowledge holders, but not all traditional knowledge holders are indigenous.

---

<sup>i</sup> E/CN.4/Sub.2/1986/7 and Add. 1-4

<sup>ii</sup> J. Mugabe, “Intellectual Property Protection and Traditional Knowledge”, *Intellectual Property and Human Rights* (WIPO, 1999), p. 97 at pp. 98-99

## Replies of Non-Governmental Organizations Working definitions

Organization	Definitions and/or comments
<p>International Council for Organizations of Folklore Festivals and Folk Arts Conseil international des organisations de festivals de folklore et d'arts traditionnels (CIOFF)</p>	<p>Pas de définition. Les définitions utilisées sont principalement celles des organisations telles que l'UNESCO.</p>
<p>International Council for Traditional Music (ICTM) Conseil international de la musique traditionnelle (CIMT)</p>	<p>Abstract from reply :            "Essence of discussions within the ICTM around concepts such as "intangible", "cultural heritage", "tradition".            Firstly, many have questioned the use of the term "heritage" with its genetic and ownership connotations instead of "tradition", the term used in the name of the Council. Also the possibility to separate "intangible heritage" from other kinds of heritage has been discussed, as well as the meaning of "culture" in this context.            Accepting the concept "intangible cultural heritage", there has been brought forward two key properties of the concept: manifestations and an ongoing process of change, a continuous creation of tradition. The manifestations result in performance of e.g. a specific musical genre, dance etc. The manifestations are affiliated with or enacted by a delineated grouping of people which can be located within a certain geographic area or could be dispersed (for an example of the later see &lt;<a href="http://www.musakad.se/mmm/cyberland/index-e.html">http://www.musakad.se/mmm/cyberland/index-e.html</a>&gt; about the Assyrian intangible cultural heritage in the diaspora). A manifestation can also result in a tangible object, e.g. the enactment of the intangible cultural heritage of violin making results in the tangible object violin.            The amalgamate of these two aspects leaves us with a system where the manifestations and their results are changing over time and shift spaces. The process of changes feeds on concrete manifestations and manifestations are the result of the process of change. An intangible cultural heritage manifestation can at a specific time be associated with a certain grouping of people and at another time in a transformed form with another grouping (for instance: the tango as music and dance was around the turn of the century 1900 associated to a certain grouping in the Rio de la Plata area and is today in different variants associated with a number of different groupings both on global and local level such as the Carlos Gardel global fan club grouping, Finnish rural dancing aficionados etc.).            Intangible cultural heritage is thus a phenomenon which is a set of rules that can be taught and learned, transformed and moved in time and space and be used to create expressive manifestations such as performances, enactments, production of objects etc.</p>

	<p>Thus a working definition of a specific item of "intangible cultural heritage" has to include specification/description of</p> <ul style="list-style-type: none"> <li>- The manifestation including the nature of the generating/production activity, its spaces (environment), tools/resources needed, resulting expressive behaviour and tangible products etc.</li> <li>- The point in time.</li> <li>- The grouping that is "doing it".</li> </ul> <p>For instance: The dance polska as performed in barn dances in Boda, Dalecarlia, Sweden to the polska music of local fiddlers in the 1950s by inhabitants of Boda and neighbouring villages. (The description of this special version of the intangible cultural heritage product polska should of course be more elaborate including documentation on film with analysis etc., but this is just to make the point).”</p>
<p>International Dance Council Conseil international de la danse (CID)</p>	<p>Aucune définition n’est donnée.</p> <p>Commentaires généraux et informations générales sur leurs activités :</p> <p>Un des trois axes principaux de l’action du CID est la préservation du patrimoine de la danse dans le monde qui se situe dans le cadre du patrimoine immatériel de l’UNESCO.</p> <p>Que faut-il sauvegarder? Tout d’abord, le respect de l’héritage. Depuis quelques années s’est mis en marche un processus de retour aux origines, aux racines, suscité par un nouvel intérêt pour les choses naturelles, par une valorisation nouvelle des biens de la Terre et un véritable retour à la Nature. Parallèlement est apparu le souci de rechercher les valeurs qui définissent l’identité, le respect des différences culturelles, dans une perspective d’authenticité et de plongée dans les traditions séculaires dans l’espoir de redécouvrir des perceptions originelles profondes et de sauvegarder, dans le domaine de la danse, le sens profond, la signification du geste et du rite.</p> <p>Les progrès de la science et de la technique peuvent aider à sauvegarder ce qui existe déjà et qui constitue le patrimoine artistique de toute l’humanité et de chacun des peuples qui la constituent. Les films, les enregistrements sonores et visuels, les publications permettent de rechercher, de recenser et de faire connaître les éléments divers de ce patrimoine, afin qu’à la faveur de ses multiples transformations, ses nouvelles formes constituent un acte créateur, dans une continuité qui préserve son identité tout en favorisant son évolution.</p> <p>Dans cet esprit de sauvegarde du patrimoine immatériel, le CID a collaboré aux objectifs de l’UNESCO avec les rencontres suivantes :</p> <p>1982 (Chine) : 1<sup>ère</sup> Conférence asiatique sur les danses traditionnelles et populaires</p> <p>1983 (Uruguay) : « Préservation des danses traditionnelles au moyen des techniques audiovisuelles »</p> <p>1986 (Russie) : Conférence sur « Les danses traditionnelles et populaires – leurs transformations pour la scène »</p> <p>1987 (Sénégal) : Conférence sur « La préservation des danses traditionnelles par les moyens audiovisuels »</p> <p>1992 (UNESCO, Paris) : Colloque sur « Les liens de la danse avec l’anthropologie culturelle »</p> <p>1992 (Espagne) : Colloque sur « La danse et le sacré »</p>

	<p>1995 (Gabon) : Colloque sur « La danse africaine de la tradition orale à la scène »</p> <p>1996 (Espagne) : Colloque sur « Le flamenco à travers le monde : transmission et évolution »</p> <p>2001 (Gabon) : Séminaire sur « La guérison, la danse et le sacré en Afrique »</p> <p>La conservation des documents filmés est au <i>Dance Museum</i> de Stockholm (Suède) qui est le centre de responsabilité de la sauvegarde en matière de danse. Membre du CID, le Musée concentre les vidéos ainsi que les notations : les danses traditionnelles sont filmées et enregistrées par une équipe de chercheurs. Il détient la collection de films de danse de l'UNESCO. En ce qui concerne la notation, le système de Labanotation a été simplifié pour transcrire les danses traditionnelles, modification qui a été publiée par le Musée.</p> <p>Dans ce domaine de la sauvegarde du patrimoine immatériel, il vient d'être créé à Montevideo (Uruguay) le <i>Centre multimedia de la danse</i>.</p> <p>Et bien sûr, le Grand Prix International Vidéo-Danse, créé en 1988 avec le soutien du CID, s'inscrit dans ce contexte à travers une de ses catégories « Mémoire de la Danse ».</p>
<p>International Music Council (IMC) Conseil international de la musique (CIM)</p>	<p>Champs d'action qui appartiennent à une définition du « patrimoine culturel immatériel » en ce qui concerne la musique :</p> <ol style="list-style-type: none"> <li>1. Musiques de tradition orale transmises par la famille (y compris les berceuses et autres chants « domestiques ») ou les musiciens reconnus comme tels dans leur culture dont les griots africains sont l'exemple le plus courant.</li> <li>2. Musique métissée par des événements culturels ou sociaux (traite des esclaves, invasions, etc.) dans le passé : le flamenco, le negro spiritual, le jazz, les musiques de danse latino-américaines (tango, rumba, salsa, etc.), la musique « country and western » ; etc.</li> <li>3. Musiques de tradition orale transformées (fusionnées) aujourd'hui par leur transposition en milieu urbain : nouvelles musiques d'Afrique, le raï, le rap, le bhangra, etc.</li> <li>4. Musiques traditionnelles « empruntées » par la « world music » et revêtues d'habits nouveaux : Peter Gabriel et autres.</li> </ol> <p>4. Il serait utile de classer ici la transmission de la pratique des musiques savantes et écrites ; à titre d'exemple, le chant grégorien et ses mutations au cours des 20 dernières années ; les musiques baroques et la nouvelle façon de les interpréter des derniers 40 ans ; la tradition orale de chanter le « bel canto », etc.</p>
<p>International Organization of Folk Art Comité international des arts et traditions populaires</p>	<p>No definition. General comments.</p> <p>Abstract from the letter:</p> <p>“[...] slowly, one is more and more conscious that the traditional culture might be one of the most essential parts of our life and work, even if many of us cannot yet really understand it. As a matter of fact the traditional culture which is for me the „basic“ culture is one of the few means how to compensate in the not too distant future the differences between the peoples of the world, between the rich and the poor world.</p> <p>But we must be careful with the term „traditional culture“. Many times we had to state that the so called traditional culture has nothing to do with the real basic culture. This applies particularly for instance to „folklore festivals“ where „authentic“ dance groups try to impress by their choreography and style. It is not always the culture the spectators acknowledge and</p>



welcome, there is no doubt that the groups are very often of a high artistic and acrobatic level, the dances are presented at an impressive speed. But this has nothing to do with traditional culture. In many cases such festivals can be considered as acceptable contributions to a better understanding between peoples, an appreciable fact. But these groups do definitely not contribute to the philosophy of traditional culture.

In this connection please let me give you an example: the Russian choreographer Igor Mossejew, highly appreciated and famous director of the ballet of the Moscow Theatre, tried to instruct various folk dance ensembles to make of these simple folk dance groups ballet groups. These instructions were not only given and accepted by the groups of the former Soviet Union, but were copied by many other groups nearly all over the world. The result is that these groups are neither original folk dance groups nor ballet ensembles. These groups, perfectly trained, showed their „authentic and traditional“ dances all over the world – what a mistake !! Many of these groups finally developed to state ensembles, all of them showed similar gestures and movements, many dance steps were taken over from popular operettas and dances. I travelled to more than 100 countries of the world and everywhere I saw these gestures and movements again. On my respective question I was always answered that the groups choose this particular ways of dancing because these were shown by big international groups, so they thought to have to copy it to be successful.

When our organization was admitted in the UNESCO in 1983 one of my first questions was: is there any department for traditional culture? And nobody was able to answer this question.

Another example: When UNESCO launched a “World Decade for the Cultural Development” I did not really know what was the meaning and intention of that programme, also the respective information and documents did not clarify my doubts in this respect. I was under the impression that also those who launched the programme were not always of the same opinion of the meaning. As a result there were very few countries in good economical situation taking part. Quite on the contrary, there were many „poor“ countries because they understood that the aim of this programme should be to find a certain compensation resp. balancing out between the richer and the poorer countries. The poorer countries expected to get from UNESCO some support and revaluation of their culture which, with a few exceptions, is really a traditional culture but still alive and present in their daily life.

An international conference of UNESCO in Phuket, Thailand, dealt with the protection of traditional culture. No final decision could be taken there as most of the delegates (again from the „poorer“ countries) were of the opinion that culture cannot be protected, because we all are still living of, with and for this culture.

When asking at this occasion a high-level delegate from UNESCO if it should be the aim to protect all traditional activities / customs shown and presented all over the world by having registered them by the respective authorities, the answer was „yes, that’s how we see the protection of traditions, customs and traditional culture“. And then I asked why, when dealing with traditional culture, the number of invited ethnologists, anthropologists and other experts is so low, I was answered: „there are still too many of them here around“. To exclude as far as possible these experts - that is not the proper way how traditional culture is to be dealt with !!

	<p>By now, I have been working in traditional folk culture for 53 years. It goes without saying that I also committed a lot of mistakes. But I have always tried to see and to serve traditional folk culture as the basic culture of all peoples of the world, because only this culture shows the status and the value of these peoples' culture, articulately expressed by their dance, songs, music, literature, popular poetry and theatre, legends and mythology, rituals, customs, handicrafts, arts, crafts, architecture, language, popular medicine and natural remedies, clothing, meals and beverages, etc. ....</p> <p>Even if there are many countries which are economically so well situated that they think not to have to remember how their ancestors lived, I think that there are good chances that traditional culture will remain living. There is some positive trend in rich countries, they often change their mind in this respect going back to their origins and roots, by supporting more and more regional culture instead of mass culture.</p> <p>I therefore have some hope, very important, even essential for all economically poor countries, that they will get some support not only by relief packages (necessary and important in many cases, there is no doubt) but by strengthening them in their honest belief to be able and allowed to live their life in the way their ancestors did, and to profit only from various aspects of „modern life“ which will certainly not endanger their environment, neither by contaminating their water, nor cutting down their woods, nor polluting the air.</p> <p>Yes to progress, but not at the costs of some individuals but of the whole mankind !</p> <p>And that's for me also the most important contribution the traditional culture can give for a better peaceful life of all of us. [...]"</p>
<p>South-North Network Culture and Development Réseau Nord-Sud Culture et Développement</p>	<p>"La culture est un ensemble complexe de ressources qu'une communauté hérite, adopte et crée pour relever les défis de son environnement social et naturel".</p>

<p>Traditions for Tomorrow Traditions pour Demain</p>	<p>Les définitions opérationnelles suivantes résultent non d'une analyse scientifique ou académique mais d'une constatation empirique à partir du travail sur le terrain avec leurs partenaires. C'est tant le résultat de leurs observations que le fruit des réflexions des peuples et minorités engagés dans la défense de leur patrimoine culturel immatériel.</p> <p><b>1. Patrimoine culturel immatériel</b> Il s'agit de l'ensemble des éléments intangibles qui constituent un réseau interrelationnel de valeurs et qui définit le profil général d'une culture. La difficulté de poser une définition opérationnelle de ce concept résulte principalement du fait qu'à défaut d'être porté par une expression momentanée, ce patrimoine n'est pas repérable à tout moment. Il en découle une évidente fragilité puisqu'à la différence du patrimoine matériel, le patrimoine culturel immatériel peut disparaître sans qu'on s'en aperçoive.</p> <p><b>2. Folklore</b> Traditions pour Demain distingue les expressions culturelles qui sont tournées vers la « consommation culturelle » de celles qui sont tournées vers une expression traditionnelle participative et vivante. Le folklore fait partie de la première. Il est par conséquent le résultat d'une transformation de l'objet même de l'expression d'une tradition, d'une coutume. Sa finalité n'est pas la transmission spontanée de cette tradition ou de cette coutume, sinon la diffusion de, ou la sensibilisation à, cette tradition et à cette coutume. Le folklore est donc interculturel dans la mesure où il vise un public qui n'est pas ou n'est plus le détenteur ou l'acteur de cette tradition ou coutume.</p> <p><b>3. Culture traditionnelle</b> C'est l'ensemble des valeurs et des expressions tangibles ou intangibles d'un groupe humain homogène (i.e. par des facteurs historiques, et/ou événementiels, et/ou géographiques). Nous soulignons le caractère éminemment collectif de la culture traditionnelle, chaque élément du groupe pouvant à sa façon interpréter et adapter les éléments de la culture traditionnelle à ses propres particularités, contribuant à leur évolution parfois positivement, parfois négativement. La culture traditionnelle est un ensemble et, pour des sociétés en phase avec leur culture, elle est de ce fait constituée de l'intégralité des éléments composant la vie tant matérielle que spirituelle, tant individuelle que collective, tant endogène qu'exogène.</p> <p><b>4. Patrimoine oral</b> Il s'agit du savoir non retranscrit et non enregistré par quelque moyen technique que ce soit, transmis de génération en génération. Parce que non figé, ce savoir est soumis à de fortes évolutions et de fortes influences. C'est ce qui en fait à la fois sa richesse et sa faiblesse. Il peut intégrer des données tant techniques qu'historiques ou mythiques. Il n'a pas de définition limitée et sa validité résulte directement de son existence et de sa transmission. Sa valeur est nécessairement fluctuante puisqu'il ne peut pas exister de critères de sélection pour justifier ou non que ce savoir appartient ou pas à un patrimoine oral.</p>
---	---

	<p><b>5. <i>Savoirs traditionnels</i></b> C'est la convergence entre les connaissances endogènes héritées des générations passées qui permettent à une culture de se perpétuer. Ils comprennent les normes d'organisation et de règlement propres de conflits (droit coutumier) à l'intérieur du groupe, des connaissances techniques (production, construction, santé, etc.), et des coutumes de type spirituel ou de divertissement (sport, etc.). Ce savoir ne saurait être catalogué selon un compartimentage de type occidental puisqu'une de ses particularités est que ses différentes composantes sont interrelationnées et ne sauraient faire l'objet d'une application ni d'une étude séparée.</p> <p><b>6. <i>Culture autochtone</i></b> Elle est la spécificité d'un peuple autochtone ainsi que les définissent les instruments juridiques et conventionnels internationaux en vigueur ou à l'ébauche concernant les peuples autochtones (liste disponible sur demande). Traditions pour Demain constate dans son travail de terrain auprès et avec les peuples autochtones, que leur culture constitue de plus en plus l'axe autour duquel tourne la vie collective de ces peuples, leurs aspirations, leurs luttes pour sa protection et leur émancipation dans des sociétés nationales et dans la société globalisée. Sinon la culture autochtone en permanente évolution reprend les éléments définis au point 3 (culture traditionnelle).</p>
--	---