

DG/2002/26
Original: French

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

Address by
Mr Koïchiro Matsuura

Director-General
of the United Nations Educational,
Scientific and Cultural Organization
(UNESCO)

at the meeting of experts on the preliminary draft
of the International Convention for the Safeguarding
of the Intangible Heritage

UNESCO, 20 March 2002

Madam Chairperson of the Executive Board,
Mr President of the General Conference,
Excellencies,
Ladies and Gentlemen,

I am particularly pleased to be with you to open this meeting of experts, which will make an essential contribution to the preparation of a preliminary draft of the International Convention for the Safeguarding of the Intangible Cultural Heritage.

I should like to thank His Excellency Judge Bedjaoui for having kindly agreed to chair the meeting. I am sure that his wise guidance will enable us to make decisive progress along the path that lies before us. I should also like to welcome all the eminent experts in international law and cultural heritage who are gathered here and to thank them most sincerely for their willingness to lend their expertise to the preparation of an initial outline of the future convention. Lastly, allow me to welcome the numerous observers, in particular the representatives of Member States. I am gratified by the interest that everyone is showing in this process and I am sure that their alert presence will ensure that the informed discussions that you will undoubtedly stimulate over the next three days will reach a wider audience outside this forum.

In the context of the interdisciplinary thinking and initiatives already undertaken on the difficult but fascinating subject of the intangible cultural heritage, this meeting marks a more specifically legal stage. The drafting task before you is an ambitious one, in the light of the difficulties posed by the “intangible” nature of this heritage. But it is also intellectually stimulating since it serves the cause of a heritage that has been too long neglected at the international level and in numerous countries because of the primacy accorded to the physical, and more especially monumental, heritage.

Although it is a tradition common to many countries, this primacy has no justification in principle: for some countries, the intangible heritage is more important than the physical heritage. It is in reality more in the nature of a *normative* primacy, reflected in the legislation of numerous States as in the instruments of UNESCO, where it established itself as the norm when a proposed reference to the intangible heritage was excluded during the final negotiations preceding the adoption of the 1972 Convention on the world heritage.

This exclusion was moreover at the origin of the preparatory work for what was to become the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore. As we all know, this Recommendation has met with only moderate success among Member States, and our meeting cannot afford to ignore its lessons.

Since that time, the importance of the intangible cultural heritage has come to be recognized increasingly widely and, ultimately, universally.

The *Universal Declaration on Cultural Diversity*, adopted by acclamation at the 31st session of the General Conference, has underscored the expediency and necessity of safeguarding all forms of the cultural heritage, including the intangible heritage seen as one of its essential aspects.

31 C/Resolution 30, adopted at the same session of the General Conference, decided that this question should be regulated by means of an international convention and invited me to submit to

the General Conference at its 32nd session “a report on the situation calling for standard-setting and on the possible scope of such standard-setting, together with a preliminary draft international convention”.

The *social* imperative of safeguarding the intangible cultural heritage has thus come to be recognized, slowly but surely, as a specifically *standard-setting* requirement.

The approach to be adopted for this instrument should be based on that of the 1972 Convention, whose success is well known. In this connection, great care will need to be taken to avoid any overlapping, or duplication, with parallel activities being carried out by other organizations, mainly the World Intellectual Property Organization (WIPO). WIPO deals with questions of intangible heritage from the standpoint of intellectual property, in particular industrial property. We approach them from the cultural point of view. These two approaches need to be clearly distinguished.

We must therefore identify the *most effective form and content of standard-setting action* designed to safeguard the intangible heritage.

The theoretical and practical exercise that this implies unquestionably calls for the help of experts. The present three-day meeting, the meeting already convened in Rio de Janeiro (Brazil) from 22 to 24 January last, and the International Round Table held in Turin in March 2001, will allow us to benefit from this valuable support and to advance in our work.

You will note that the experts present at the Rio meeting included several members of the Jury for the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, who have the task of assessing the impact of the first Proclamation. This underlines the importance of the functional link between the analysis of best practice in the safeguarding of this heritage and the identification of the forms and content to be covered by standard-setting action.

In this way, the different phases of reflection on this issue are gradually coming together, the main lines of substance are taking shape, and our present meeting will quite naturally fit into this ongoing process. Among other things, the Rio meeting revealed the existence of a consensus on the relevance of the definition of the intangible cultural heritage worked out at the Turin Round Table in March 2001. While such a consensus is of obvious importance, in general and particularly in the case of a convention, it does not resolve all the thorny problems with which we are faced. Clearly, consultations on the key basic terms will be necessary for the purposes of establishing a glossary. I intend to organize these consultations in Paris at the beginning of June, shortly before the category VI Expert Committee that I shall convene, also in Paris, at the beginning of July in accordance with the statutory UNESCO procedures for the establishment of standard-setting instruments.

Naturally, these consultations of experts will be accompanied by intensive consultations with the representatives of Member States, whether through the Executive Board or the Permanent Delegations, along similar lines to those adopted for the Declaration on Cultural Diversity.

The work carried out thus far in the shifting and evolving terrain of the intangible cultural heritage, resistant to any systematizing approach, yields a number of principles on which your own work could be based:

1. The definition of the intangible cultural heritage proposed at the International Round Table in Turin should serve as the basic definition;

2. As regards the safeguarding of the intangible cultural heritage at the *national level*, it is for each State to decide its priority areas of action, in consultation with the non-governmental organizations and communities concerned and in accordance with the criteria it deems appropriate, on the understanding that it could review the situation periodically as necessary. The experience gained with the programme relating to the Proclamation of masterpieces, and the international cooperation activities that will be conducted under the future convention, could serve as a guide for the improvement of national safeguarding policies;
3. As regards the safeguarding of the intangible cultural heritage at the *international level*, the Convention will need to include a mechanism designed to increase public awareness of the different aspects of the intangible cultural heritage, which should be chosen in accordance with both internal criteria (i.e. the importance of the intangible heritage for the construction of group identity) and also external criteria (from the standpoint of compliance with human rights, for example, or the potential contribution to intercultural dialogue. The convention should draw for this purpose upon the experience gained with the programme concerning the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, with particular reference to the detailed criteria for selection worked out at the extraordinary meeting of the international jury at Elche in September 2001;
4. The preliminary draft of the convention should also take account of the nature of the involvement of the different actors concerned by the development and preservation of the intangible heritage, especially among the local population;
5. The international cooperation that will develop could thus provide a framework and benchmarks for the action to be taken at national level.

Excellencies,
Ladies and Gentlemen,

We need to enlist the full range of your skills to help us draw up an outline convention. The task is not easy, but much is at stake. You will need to give your views on the basic structure and content of the new instrument. You will have the major responsibility of transforming the idea of a convention, which has given rise to so many lively debates within UNESCO in the past, into a practical first draft that reflects the spirit of those discussions.

I have no doubt that you will bring your expertise to bear on this exhilarating task. May I thank you once again for your readiness to take up the challenge in association with UNESCO and sincerely wish you every success in your work.