Ratifying the Convention for the Safeguarding of the Intangible Cultural Heritage

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

Draft 1.1  
17 December 2010

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Contents

[RAT 2.0 Workshop overview 1](#_Toc281135301)

[RAT 2.0 Timetable 5](#_Toc281135302)

[RAT 2.1 Lesson plan – Introduction 7](#_Toc281135303)

[RAT 2.1 Worksheet: Introducing participants 9](#_Toc281135304)

[RAT 2.1.1 Hand-out: Multiple Choice Questions 11](#_Toc281135305)

[RAT 2.1.1 Facilitator’s notes on Multiple Choice Questions 13](#_Toc281135306)

[RAT 2.1.2 Hand-out: Additional Resources 19](#_Toc281135307)

[RAT 2.2 Lesson plan: Introducing the Convention 23](#_Toc281135308)

[RAT 2.2 Presentation: Introducing the Convention 25](#_Toc281135309)

[RAT 2.2 Narrative: Introducing the Convention for the Safeguarding   
of the Intangible Cultural Heritage 33](#_Toc281135310)

[RAT 2.3 Lesson plan: Key concepts 53](#_Toc281135311)

[RAT 2.3 Presentation: Key concepts in the Convention 55](#_Toc281135312)

[RAT 2.3 Narrative: Key concepts in the Convention 63](#_Toc281135313)

[RAT 2.3 Hand-out: Glossary 79](#_Toc281135314)

[RAT 2.4 Lesson plan: Implementing the Convention at the national level 85](#_Toc281135315)

[RAT 2.4 Presentation: Implementing the Convention at the national level 87](#_Toc281135316)

[RAT 2.4 Narrative: Implementing the Convention at the national level 93](#_Toc281135317)

[RAT 2.4.1 Hand-out: About Inventorying Intangible Heritage 103](#_Toc281135318)

[RAT 2.4.2 Hand-out: Examples of safeguarding measures 111](#_Toc281135319)

[RAT 2.5 Lesson plan: Implementing the Convention at the international level 119](#_Toc281135320)

[RAT 2.5 Presentation: Implementing the Convention at the international level 121](#_Toc281135321)

[RAT 2.5 Narrative: Implementing the Convention at the international level 129](#_Toc281135322)

[RAT 2.6 Lesson plan: Participation of communities 143](#_Toc281135323)

[RAT 2.6 Presentation: Community participation in safeguarding ICH 145](#_Toc281135324)

[RAT 2.6 Narrative: Community participation in safeguarding ICH 149](#_Toc281135325)

[RAT 2.6.1 Hand-out: Roles of communities and other stakeholders   
in implementing the Intangible Heritage Convention 153](#_Toc281135326)

[RAT 2.6.2 Hand-out: Examples of community participation in ICH safeguarding 159](#_Toc281135327)

[RAT 2.7 Lesson plan: The process of ratification 165](#_Toc281135328)

[RAT 2.7 Presentation: Ratifying the Convention 167](#_Toc281135329)

[RAT 2.7 Narrative: Ratifying the Intangible Heritage Convention 171](#_Toc281135330)

[RAT 2.7.1 Hand-out: List of States Parties 175](#_Toc281135331)

[RAT 2.7.2 Hand-out: Model Instrument of Ratification/Acceptance/   
Approval/Accession 179](#_Toc281135332)

[RAT 2.7.3 Hand-out: Paths to Ratification of the Intangible Heritage Convention 181](#_Toc281135333)

[RAT 2.8 Lesson plan – Strategies and experiences of ratification 187](#_Toc281135334)

[RAT 2.9 Lesson plan – Evaluation of the workshop 191](#_Toc281135335)

[RAT 2.9 Hand-out: Evaluation form 193](#_Toc281135336)

Chapters that do not need translating – marked in contents only

(Refs to ODs and Conventions not marked up)

Text within these chapters that does need translating

|  |  |
| --- | --- |
| RAT 2.1.1 Hand-out: Multiple Choice Questions | =NOM 5.1.1 |
| RAT 2.1.1 Facilitator’s notes on Multiple Choice Questions | =NOM 5.1.1 |
| RAT 2.1.2 Hand-out: Additional Resources | =NOM 5.1.2 |
| RAT 2.2 Lesson plan: Introducing the Convention | =NOM 5.2 |
| RAT 2.2 Presentation: Introducing the Convention | =NOM 5.2 |
| RAT 2.2 Narrative: Introducing the Convention for the Safeguarding of the Intangible Cultural Heritage | =NOM 5.2 |
| RAT 2.3 Lesson plan: Key concepts | =NOM 5.3 |
| RAT 2.3 Presentation: Key concepts | =NOM 5.3 |
| RAT 2.3 Narrative: Key concepts in the Convention | =NOM 5.3 |
| RAT 2.3 Hand-out: Glossary | =NOM 5.3 |
| RAT 2.4.1 Hand-out: About Inventorying Intangible Heritage | =NOM 5.4 |
| RAT 2.4.2 Hand-out: Examples of safeguarding measures | =NOM 5.13 |

# RAT 2.0 Workshop overview

## Purpose of the course

This course is intended to assist participants in acquiring a broad understanding of the functioning of UNESCO’s Convention for the Safeguarding of the Intangible Cultural Heritage (ICH), and how and why member states may wish to ratify it. Participants will be representatives from governmental and non-governmental organizations, institutions and communities and other experts from countries that have not yet ratified the Convention.

On completing the course participants will understand how the Convention works, what obligations member states of UNESCO take on when ratifying the Convention, why it may be beneficial for them to ratify the Convention, and how to ratify it.

## An outline of the course

There are three main parts to the course:

1. Introduction to the Convention and its key concepts (sessions 2.2 and 2.3);
2. Implementing the Convention at the national and international level (sessions 2.4 to 2.6); and
3. The ratification process (sessions 2.7 and 2.8).

### Part 1: Introduction to the Convention

The course begins with introducing the participants to each other, situating the course in their own context (2.1). Then two sessions provide an overview of the Intangible Heritage Convention (2.2), and its concepts (2.3). The course encourages participants to relate the Convention’s principles and concepts to their own situation. They are asked for example what words might be used locally to refer to intangible heritage or other concepts used in the Convention.

The participants are also given a series of challenging questions in the Quiz that can form the basis for further discussion on basic principles behind the Convention. The facilitator at various points within the course can use these questions, or the quiz can be administered in the evaluation session (2.9).

### Part 2: Implementing the Convention

Participants need to understand the implications of ratifying the Convention – implementing it at the national level (session 2.4) and international level (session 2.5). Community participation in this process – at both national and international levels - is discussed in session 2.6.

There are some general principles behind the Convention that should guide its implementation. However, because the Convention is so young, and because ICH covers vast domains of social, cultural and creative activity, there are many aspects to the implementation of the Convention that are still subject to considerable debate and discussion.

Fortunately, the governing organs of the Convention have developed Operational Directives to guide many aspects of the implementation of the Intangible heritage Convention.

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

Although there are certain fixed obligations, mainly at an international level, the Convention gives States Parties a lot of room to decide how certain activities (such as inventorying or community participation, for example) are interpreted and undertaken. It also gives considerable leeway on how to use or adapt certain concepts presented in the Convention (such as the non-exhaustive list of domains in Article 2.1 or the non-exhaustive list of safeguarding measures in Article 2.3).

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

The course encourages participants to relate the materials discussed to their own situation. They are asked for example what words might be used locally to describe intangible heritage or other concepts used in the convention.

### Part 3: The ratification process

Existing patterns of ratification and the process of ratification are discussed in session 2.7 before participants will discuss paths that might be followed towards ratification in their own country (session 2.8).

### Final session

Finally, the participants will evaluate the course (session 2.9).

The participants should leave the course with a clear idea of what the Convention is about, what obligations States take on when ratifying the Convention, why it may be beneficial for them to ratify the Convention, and how to ratify it. This will ensure that States are assisted in ratifying the Convention.

## Preparing for the workshop

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

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

Facilitators will need to ensure that they are familiar with intangible heritage elements in the countries represented by the participants in the workshop, their ratification progress and their (intangible) heritage policies and legislation.

Facilitators will need to circulate worksheet 2.0 to participants at least a week before the workshop commences, and remind them to bring the completed worksheet with them. Additional blank worksheets should be provided to them on arrival in case they have not done so.

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

## The materials provided for the course

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

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

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

The timetable is simply a rough guide – it may be amended as and when necessary.

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

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

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

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

## Responding to the national / local context of participants

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

In order to assist participants in imagining what the Convention and its implementation might mean in their home countries, facilitators should, for instance, encourage discussion and translation of some terms in the languages spoken by participants, in particular of key concepts that will be discussed in sessions 2.2 and 2.3, and any legal terms.

The participants in the course should be treated as experts in their own local and national context who can be provided with an encouraging context to contribute significantly to the debate on the possible ratification of the Convention in their home countries and to the implementation of the Convention both nationally and internationally.

In the first session of the workshop it is important to situate the work being done in the national and personal experiences of the participants. Therefore we have provided worksheet 2.1, mentioned above. The broad outline of their local or national context will be discussed in session 2.1, and this will be developed in session 2.8 where paths to ratification are discussed.

## Note on terminology

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

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

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

The Convention (Article 32) indicates that in order to become States Parties to the Convention, states may, in accordance with their respective constitutional procedures, ratify, accept or approve it, or – in the case of non-Member States of UNESCO – accede to it. When we use the terms ‘ratification’ or ‘ratify’ in this course we generally mean all of these processes.

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

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

# RAT 2.0 Timetable

**Day 1**

|  |  |  |
| --- | --- | --- |
| **Session** | **Duration** | **Hand-outs for participants** |
| Introductory welcome speeches (optional) | 1 hour |  |
| RAT 2.1 – Introduction | 1 hour | Worksheet 2.1  Quiz (Hand-out 2.1.1)  Additional information (Hand-out 2.1.2)  Convention and ODs (Hand-out 2.1.3) |
| Tea | 30 mins |  |
| RAT 2.2 – Convention overview | 1.5 hours | Presentation 2.2 |
| Lunch | 1 hour |  |
| RAT 2.3 – Key concepts | 1.5 hours | Presentation 2.3  Glossary (Hand-out 2.3) |
| Tea | 30 mins |  |
| RAT 2.4 – Implementing the Convention at the national level | 1.5 hours | Presentation 2.4  About inventorying (Hand-out 2.4.1)  Examples of safeguarding measures (Hand-out 2.4.2) |

**Day 2**

|  |  |  |
| --- | --- | --- |
| **Session** | **Duration** | **Hand-outs for participants** |
| RAT 2.5 – Implementing the Convention at the international level | 1.5 hours | Presentation 2.5 |
| Tea | 30 mins |  |
| RAT 2.6 – Participation of communities and roles of stakeholders in safeguarding | 1.5 hours | Presentation 2.6  Roles of Stakeholders (Hand-out 2.6.1)  Community participation examples (Hand-out 2.6.2) |
| Lunch | 1 hour |  |
| RAT 2.7 – Ratification procedures | 1.5 hours | Presentation 2.7  List of States Parties (Hand-out 2.7.1)  Model instrument of ratification (Hand-out 2.7.2)  Paths to Ratification (Hand-out 2.7.3) |
| RAT 2.8 – Country experiences | 1 hour |  |
| Tea | 30 mins |  |
| RAT 2.9 – Evaluation | 30 mins | Evaluation sheet (Hand-out 2.9) |

# RAT 2.1 Lesson plan – Introduction

|  |
| --- |
| **Title of activity: Ratification of the Convention – 2.1 introduction** |
| Duration: 1 hour |
| Objective(s): Establish a working relationship with participants and share information about personal and country experiences. |
| Description:   1. Facilitator introduces him/herself, and the purpose of the workshop, mentioning which countries in the region(s) where the workshop participants come from have ratified the Convention 2. Facilitator mentions the domains of ICH listed in the Convention (art 2.2) some examples of ICH he/she has worked with or been interested in, in case some of the participants are not familiar with what is meant by ICH, and mentions whether his / her country has ratified the Convention. 3. Participants introduce themselves briefly and their interest in ICH. 4. Participants with the assistance of facilitator introduce what is being done / key issues in each country / region represented – specifically legislation, policy, and elements of ICH important in their country. |
| Supporting documents:  Facilitator’s notes 2.0 – course overview  Timetable 2.0  Worksheet 2.1 – pre-workshop questions (given to participants before the workshop and discussed in this session)  Hand-out 2.1.1 – Multiple Choice Questions  Hand-out 2.1.2 – Additional Resources  Hand-out 2.1.3 – Convention and ODs (copy of Basic texts) |

Notes and suggestions:

Requires preparation by the participants themselves and facilitator to get copies of each country’s legislation, policy and some information on key projects. Preparation on ratification trends by region: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00024>

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

The participants are given a series of challenging questions in the Quiz (Hand-out 2.1.1) that can form the basis for further discussion on basic principles behind the Convention at a later stage of the course. These questions can be handed out in session 2.1, and then used by the facilitator at various points within the course, or in response to participants’ questions. The questions could also be administered as part of the evaluation of the course (session 2.9).

# RAT 2.1 Worksheet: Introducing participants

Please fill in prior to coming to the workshop

Name:

Job title:

Country:

Does your country intend to ratify the UNESCO Intangible Heritage Convention?

Did your country ratify the UNESCO World Heritage Convention?

Did your country ratify the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions?

Your personal involvement, if any, in work about heritage

Does your country have heritage legislation or policy?

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

Please bring a copy of any relevant legislation or policy document(s) from your country to the workshop.

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

Are there any non-governmental organizations or community based organizations in your country that wish to see the Convention ratified?

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

# RAT 2.1.1 Hand-out: Multiple Choice Questions

1. If Member States of UNESCO wish to become States Parties to the Intangible Heritage Convention should they ratify, accept, approve or accede to the Convention?
   1. Member States of UNESCO should accede to the Convention
   2. Member States of UNESCO may neither accept nor approve the Convention, they have to ratify it instead
   3. Member States of UNESCO may ratify, approve or accept the Convention, in accordance with their constitutional procedures; non-Member States may accede to the Convention if they wish.
2. Can States Parties to the Convention adopt their own definitions of intangible cultural heritage for national or local inventories?
   1. Yes, as they are allowed to draw up their inventories in ways geared to their own circumstances
   2. No, they have to comply with the Convention’s definition of ICH.
   3. No, they have to comply with the Convention’s definition of ICH but a special case can be made to use other domains if they ask permission.
3. If elements in national or local inventories do not comply with the definition of ICH in the Convention, can they be inscribed on the Lists of the Convention?
   1. Yes, elements on national or local inventories can be inscribed on the Lists of the Convention even if they don’t comply with the definition of ICH in the Convention
   2. No, elements on national or local inventories that do not comply with the definition of ICH in the Convention cannot be inscribed on the Lists of the Convention
   3. Yes, elements on national or local inventories that do not comply with the definition of ICH in the Convention can be inscribed on the Lists of the Convention if special permission is obtained from the Intergovernmental Committee
4. Can countries that are not States Parties to the Convention nominate elements for inscription on the Lists of the Convention?
   1. Yes, but only if the element is in need of extremely urgent safeguarding
   2. No, not until they become States Parties
   3. Yes, but only if they are part of a multinational nomination submitted by one or more other countries who are already States Parties to the Convention
5. Can languages as such (e.g. Japanese, Russian, or Kiswahili) be inscribed on the Convention’s Lists?
   1. Yes, languages can be inscribed on the Convention’s Lists because they are intrinsic to ICH
   2. No, languages cannot be proposed for inscription on the Lists of the Convention because language is not relevant as an ICH domain
   3. No, the Convention indicates that languages may only be part of an inscription when considered as vehicles of ICH
6. Does ICH of immigrant communities qualify for inclusion in the Lists of the Convention?
   1. Yes, nominations to the Lists of the Convention that include ICH elements from immigrant communities located in a particular country may be inscribed if these elements meet the definition of ICH of the Convention and the other criteria set out in the Operational Directives
   2. Yes, elements nominated to the Lists of the Convention that include ICH of immigrant communities may be inscribed, but only if they seek special permission from UNESCO
   3. No, only elements that are indigenous to the submitting States Parties and that are relevant to their national identity or to that of majority groups present in them, may be included in the Lists of the Convention.
7. Can several States Parties to the Convention nominate a shared element together, rather than making separate nominations?
8. Yes, the Convention and the Operational Directives encourage multi-national nominations for the same element if it is shared across borders
9. No, if an element occurs in two countries they have to find a way of differentiating them so two different nominations can be made
10. No, only the State Party where the element has the longest history of uninterrupted practice is allowed to submit a nomination file for the element
11. Does gender differentiation of tasks or practices within ICH elements always constitute a human rights violation?
    1. No, gender differentiation never constitutes a human rights violation
    2. Not always – differentiation by gender within ICH elements does not constitute a human rights violation unless it generates the power to dominate and humiliate others, or creates circumstances of clear disbenefit for some people
    3. Yes, any gender differentiation constitutes a human rights violation because it is wrong – men and women are equal and should both be allowed to practice all aspects of ICH even where this has been prohibited in the past
12. Can inscribing an element on the Lists of the Convention be used to establish a community or group’s intellectual property (IP) rights over an element?
    1. No, the Convention does not establish IP rights over an ICH element through inscription on its Lists; determining how IP rights over traditional cultural expressions could be established at the international level is a subject under investigation at the World Intellectual Property Organization.
    2. Yes, inscription on one of the Convention’s Lists gives communities and groups the automatic right to sue for damages if anyone else practices their ICH element.
    3. Yes, inscription on one of the Convention’s Lists gives the communities and groups concerned intellectual property rights over their heritage.

# RAT 2.1.1 Facilitator’s notes on Multiple Choice Questions

These difficult, but frequently asked questions may be referred to at various stages in the workshop, but they will take some time and discussion because of the complexity of the issues involved. In these notes the correct answer is highlighted – some of the other answers may be partly right. Some notes are provided below each question.

1. If Member States of UNESCO wish to become States Parties to the Intangible Heritage Convention should they ratify, accept, approve or accede to the Convention?
   1. Member States of UNESCO should accede to the Convention.
   2. Member States of UNESCO may neither accept nor approve the Convention, they have to ratify it instead.
   3. Member States of UNESCO may ratify, approve or accept the Convention, in accordance with their constitutional procedures; non-Member States may accede to the Convention if they wish.

Note 1: The answer in (c) is correct – Member States can in fact ratify, approve or accept the Convention; accession is only to be used by non-Member States of UNESCO. In the case of ratification, acceptance, approval or accession States Parties’ obligations under the Convention remain the same. So far, 7 States Parties have approved the Convention, 18 have accepted it and 102 have ratified it.

1. Can States Parties to the Convention adopt their own definitions of intangible cultural heritage for national or local inventories?
2. Yes, as they are allowed to draw up their inventories in ways geared to their own circumstances.
3. No, they have to comply with the Convention’s definition of ICH.
4. No, they have to comply with the Convention’s definition of ICH but a special case can be made to use other domains if they ask permission.

Note 2: The answer in (a) is correct – States Parties have the liberty to draw up national or local inventories in manners geared to their own situation and therefore also using their own definitions of ICH. They may also use their own system of domains. Of course, if they wish to nominate elements to the Convention’s Lists (question 3), then these specific elements have to comply with the criteria listed in OD 1-2.

1. If elements in national or local inventories do not comply with the definition of ICH in the Convention, can they be inscribed on the Lists of the Convention?
   1. Yes, elements on national or local inventories can be inscribed on the Lists of the Convention even if they don’t comply with the definition of ICH in the Convention
   2. No, elements on national or local inventories that do not comply with the definition of ICH in the Convention cannot be inscribed on the Lists of the Convention
   3. Yes, elements on national or local inventories that do not comply with the definition of ICH in the Convention can be inscribed on the Lists of the Convention if special permission is obtained from the Intergovernmental Committee

Note 3: The answer in (b) is correct – the criteria for nominations (OD 1-2) indicate that elements that are nominated to the Lists of the Convention have to comply with the definition of ICH in that Convention. The Intergovernmental Committee, which decides on inscriptions, has to follow the Operational Directives as approved by the General Assembly of the States Parties.

1. Can countries that are not States Parties to the Convention nominate elements for inscription on the Lists of the Convention?
2. Yes, but only if the element is in need of extremely urgent safeguarding
3. No, not until they become States Parties
4. Yes, but only if they are part of a multinational nomination submitted by one or more other countries who are already States Parties to the Convention

Note 4: The answer in (b) is correct – only States Parties to the Convention can nominate elements to the Convention’s Lists and they can only nominate elements present in their own territory.

1. Can languages as such (e.g. Japanese, Russian, or Kiswahili) be inscribed on the Convention’s Lists?
   1. Yes, languages can be inscribed on the Convention’s Lists because they are intrinsic to ICH
   2. No, languages cannot be proposed for inscription on the Lists of the Convention because language is not relevant as an ICH domain
   3. No, the Convention indicates that languages may only be part of an inscription when considered as vehicles of ICH

Note 5: Answer (c) is correct. During the preparation of the Convention it was recognized that language is intrinsic to ICH, as it is relevant to the practice and transmission of most ICH. It is a carrier of values and knowledge and a major tool in transmission. Nevertheless, it was decided, and confirmed by the Intergovernmental Committee, that languages as such cannot be nominated to the Lists of the Convention in their own right. Consequently, language does not figure as a domain in and by itself in Article 2.2 of the Convention. However, language features in the first domain, ‘oral traditions and expressions, including language as a vehicle of the intangible cultural heritage’. This compromise reflects the very different policies of the states in the world concerning their internal linguistic diversity, but also the widely shared understanding that safeguarding languages as fully-fledged means of communication should be left outside the scope of this Convention.

Answer (b) is not valid as the list of domains in Article 2.2 is explicitly presented as non-exhaustive.

1. Does ICH of immigrant communities qualify for inclusion in the Lists of the Convention?
   1. Yes, nominations to the Lists of the Convention that include ICH elements from immigrant communities located in a particular country may be inscribed if these elements meet the definition of ICH of the Convention and the other criteria set out in the Operational Directives
   2. Yes, elements nominated to the Lists of the Convention that include ICH of immigrant communities may be inscribed, but only if they seek special permission from UNESCO
   3. No, only elements that are indigenous to the submitting States Parties and that are relevant to their national identity or to that of majority groups present in them, may be included in the Lists of the Convention.

Note 6: The answer in (a) is correct – it is up to States Parties to the Convention to decide what elements to nominate to the Lists of the Convention, as long as these elements and the communities concerned are located within their territory. There is no reason why ICH of immigrants to a country could not be inscribed onto the Lists of the Convention as long as the element complies with the criteria and the file is considered convincing and complete.

Regarding (b) UNESCO serves the organs of the Convention and their bodies as their Secretariat. UNESCO has no independent say in what elements should be nominated to the Lists: nominations are examined by various bodies appointed by the Intergovernmental Committee and eventually evaluated by the Committee on the basis of the criteria listed in the ODs.

Regarding (c): The idea that ‘indigenous’ ICH should be the only elements nominated is problematic. The Convention, which is intended to promote and celebrate cultural diversity, does not intend the ICH of any groups or communities in the territory of States Parties to be excluded from being nominated to the Lists of the Convention. The Convention does not mention national identity; many states – in particular federal ones – do not claim to have national identities. What is more, the spirit of the Convention would not allow distinctions to be made between the ICH of majority and minority groups.

Both ‘indigenous’ and ‘immigrant’ groups (let alone ‘indigenous’ and ‘immigrant’ ICH) are difficult categories to define (nomadic groups, for instance, might be excluded from either category). They are always used within a specific political context. Therefore, as this context changes, so does the definition of who is an ‘immigrant’ and who is ‘indigenous’. In many states there is thus a grey area between recent immigrant groups and recognized indigenous groups.

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1. Can several States Parties to the Convention nominate a shared element together, rather than making separate nominations?
2. Yes, the Convention and the Operational Directives encourage multi-national nominations for the same element if it is shared across borders
3. No, if an element occurs in two countries they have to find a way of differentiating them so two different nominations can be made
4. No, only the State Party where the element has the longest history of uninterrupted practice is allowed to submit a nomination file for the element

Note 7: The answer in (a) is correct – the Operational Directives, following the spirit of the Convention, encourage multi-national nominations, which are possible as long as the countries in which the shared heritage is located are States Parties to the Convention. Although States Parties are not obliged to nominate shared heritage under a multi-national nomination, they are strongly encouraged to do so, as it promotes international cooperation, and is advantageous for safeguarding efforts. Of course, in such cases the opinion of the community(ies) concerned should be decisive.

1. Does gender differentiation of tasks or practices within ICH elements always constitute a human rights violation?
2. No, gender differentiation never constitutes a human rights violation
3. Not always – differentiation by gender within ICH elements does not constitute a human rights violation unless it generates the power to dominate and humiliate others, or creates circumstances of clear disbenefit for some people
4. Yes, any gender differentiation constitutes a human rights violation because it is wrong – men and women are equal and should both be allowed to practice all aspects of ICH even where this has been prohibited in the past

Note 8: The answer in (b) is correct – gender differentiation of tasks or functions in enacting or transmitting ICH elements need not be contrary to the requirements of international human rights instruments. For example, women might perform some aspects of a dance or ceremony, while men perform other aspects of it. Or, within one community certain rituals may be attended only by men, and other rituals may be attended only by women. However, if such differentiation generates the power humiliate others, or creates circumstances of clear disbenefit for some people, then it is contrary to the requirements of international human rights instruments and the element cannot be considered as ICH in terms of the Convention. Thus, rituals in which there is forced abduction of women, beating of young children, human sacrifice or bodily mutilation, for example, do not constitute ICH in terms of the Convention.

1. Can inscribing an element on the Lists of the Convention be used to establish a community or group’s intellectual property (IP) rights over an element?
   1. No, the Convention does not establish IP rights over an ICH element through inscription on its Lists; determining how IP rights over traditional cultural expressions could be established at the international level is a subject under investigation at the World Intellectual Property Organization.
   2. Yes, inscription on one of the Convention’s Lists gives communities and groups the automatic right to sue for damages if anyone else practices their ICH element.
   3. Yes, inscription on one of the Convention’s Lists gives the communities and groups concerned intellectual property rights over their heritage.

Note 9: The answer in (a) is correct – the [Convention](http://www.unesco.org/culture/ich/index.php?lg=en&pg=0006) focuses on safeguarding the intangible cultural heritage – that is on ensuring its continuous recreation rather than on legally protecting specific manifestations through intellectual property rights, which at the international level falls mainly within the field of competence of the World Intellectual Property Organization (WIPO). WIPO is currently investigating the feasibility of a standard-setting instrument for the protection of intellectual property rights in respect of traditional cultural expressions, traditional knowledge and expressions of folklore. The Convention states, in Article 3, that its provisions may not be interpreted as affecting the rights and obligations of States Parties deriving from any international instrument related to intellectual property rights. Intellectual property rights are established in the first place through legislation at the national level and in several States ICH elements enjoy such rights. WIPO also assists its Member States in drawing up national laws and regulations to do this.

# RAT 2.1.2 Hand-out: Additional Resources

### The 2003 Convention

1. Text of the Convention: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00022>
2. In addition to its six authoritative texts (Arabic, Chinese, English, French, Russian and Spanish), the 2003 Convention has been translated, officially or unofficially, into many other languages. These translations are available online:  
   <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00102>
3. The Operational Directives: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026>
4. Kit of the Convention for the Safeguarding of the Intangible Cultural Heritage produced by UNESCO

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00018>

1. Janet Blake, Commentary on the UNESCO 2003 Convention on the Safeguarding of the Intangible Cultural Heritage, Institute of Art & Law, Leicester, 2006.
2. Main aims, and historical and political history of the Convention: *Intangible Heritage* (Key Issues in Cultural Heritage) by Laurajane Smith and Natsuko Akagawa (Routledge 2009)

[http://books.google.com/](http://books.google.com/books?id=50fm8ozs6o8C&lpg=PP1&dq=intangible%20heritage&pg=PA1#v=onepage&q&f=false)

1. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010.

### Nominations

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

### International assistance

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

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

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

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

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

### Safeguarding

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

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

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

### Inventorying and documentation of intangible heritage

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

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

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

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

1. Bulgarian inventory-making   
   <http://www.unesco.org/culture/ich/index.php?pg=00263>
2. Brazilian inventory-making
3. <http://www.unesco.org/culture/ich/index.php?pg=00264>

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

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

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

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

### Community participation and rights

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

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

1. Paul Kuruk, 2004. ‘A critical view of the Convention’s ability to safeguard indigenous communities’ heritage: Cultural Heritage, Traditional Knowledge and Indigenous Rights: An Analysis of the Convention for the Safeguarding of Intangible Cultural Heritage’.  
   <http://www.austlii.edu.au/au/journals/MqJICEL/2004/5.html>

# RAT 2.2 Lesson plan: Introducing the Convention

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| --- |
| **Title of activity: Ratification of the Convention 2.2 – Convention overview** |
| Duration: 1.5 hours |
| **Objective(s):**  Provide an overview of the Convention and its mechanisms to help participants understand the value and implications of ratifying the Convention within the context of the objectives of the Convention and its implementation. |
| **Description:**   1. **Presentation 2.2: Introducing the Convention**     * UNESCO and its conventions    * The Intangible Heritage Convention  * Objectives * Governing organs * Two Lists and a Register * Operational Directives * The Fund  1. Presentation Introducing the Convention    * Obligations and benefits |
| Supporting documents:   * Presentation 2.2 plus narrative |

**Notes and suggestions:**

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

Inventorying and International Assistance will be discussed more fully in sessions 2.4 and 2.5.

More information on the Lists will also be given in session 2.5, so their discussion here is brief.

**Optional exercise at slide 16 on States Parties’ obligations under the Convention:**

Participants may be asked to read Articles 11-15 of the Convention and to look for ‘shall’ and ‘shall endeavour to’ to define which articles are binding and which are not.

# RAT 2.2 Presentation: Introducing the Convention

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# RAT 2.2 Narrative: Introducing the Convention for the Safeguarding of the Intangible Cultural Heritage

## Slide 1. Title: Introducing the Intangible Heritage Convention

## Slide 2. In this presentation…

This presentation first briefly introduces UNESCO (the United Nations Educational, Scientific and Cultural organization), its mandate, and three of its ‘cultural diversity’ conventions.

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

* Objectives of the Convention
* Governing organs of the Convention
* Lists of the Convention
* The Register of Best Practices
* The Operational Directives
* The Fund of the Convention
* Obligations of States Parties to the Convention
* Benefits for States Parties of implementing the Convention

The Convention also provides definitions of ICH and of safeguarding– in Article 2, which will be presented in the next session.

## Slide 3. UNESCO and its Conventions

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

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

UNESCO has its head office in Paris, and field offices in 56 countries, some of which serve one country, others a cluster of countries. These offices assist UNESCO member states in implementing the UNESCO Conventions they have ratified.

UNESCO works to create the conditions for dialogue among between groups of people, based upon respect for commonly shared values. This dialogue should help the world aim towards sustainable development, observance of human rights, mutual respect and the alleviation of poverty, all of which are at the heart of the mission and activities of the UN system.

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

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

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| The Member States of UNESCO have elaborated and adopted 28 conventions, 13 Declarations and 30 Recommendations between 1946 and 2010. |
| For a list of these standard-setting legal instruments, see: |
| <http://portal.unesco.org/en/ev.php-URL_ID=13649&URL_DO=DO_TOPIC&URL_SECTION=-471.html> |

There are seven UNESCO conventions in the area of culture and heritage, aiming at the conservation and safeguarding of (i) tangible, intangible and natural heritage and (ii) the diversity of cultural expressions in the world today. Three of them are presented on the next slide

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| **UNESCO Conventions in the domain of culture/heritage:** |
| 1. Protection and Promotion of the Diversity of Cultural Expressions (2005) |
| 1. Safeguarding of the Intangible Cultural Heritage (2003) |
| 1. Protection of the Underwater Cultural Heritage (2001) |
| 1. Protection of the World Cultural and Natural Heritage (1972) |
| 1. Prohibiting and Preventing the Illicit Import, Export and Transfer of Cultural Property (1970) |
| 1. Protection of Cultural Property in the Event of Armed Conflict (1954) |
| 1. Universal Copyright Convention (1952, 1971) |
| UNESCO Conventions are elaborated in intergovernmental meetings in which all Member States may participate. Ideally, all UNESCO Member States will ratify as many of these Conventions as possible. Once the governmental experts have finished their preparatory work, the resulting draft is offered to the General Conference of UNESCO, which is its highest organ. The General Conference discusses the draft and may approve it. It then becomes a UNESCO convention that States may ratify or otherwise adhere to. |
| Member States may become States Parties to conventions by ratifying them. By ratifying a convention, or otherwise adhering to it, a State indicates that it agrees with the aims and methods of the convention and will take appropriate actions in pursuit of these aims. |
| Multilateral conventions are always compromises between different views and approaches, which is why it sometimes takes many years to draft them in such a way as to achieve general or almost general consensus. Therefore every word of a Convention counts; States Parties may be inclined to seek room for their own interpretation, especially of parts where the language of the Convention is not very explicit.  Recommendations and Declarations, unlike Conventions, are not legally binding. |
| Other ways in which UNESCO promotes cultural diversity, human creativity and the safeguarding or protection of heritage include: |
| * Assisting States Parties in implementing the Conventions at the national and international level, in its role as Secretariat to these Conventions; |
| * Assisting Member States in developing cultural and heritage policies, and implementing them; and |
| * Developing and managing pilot projects, often funded by extra-budgetary contributions from Member States, in a wide array of domains, including natural and cultural heritage, museums, cultural objects, languages, crafts, etc. |

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

Three UNESCO Conventions on culture and heritage explicitly promote cultural diversity - they are largely (though far from completely) complementary and the study of their interaction has hardly begun:

* **The Convention concerning the Protection of the World Cultural and Natural Heritage** (1972), which aims at the conservation of buildings and places of outstanding universal value. By 2010, 187 countries were States Parties to this Convention. Most of the member states of UNESCO have now ratified the World Heritage Convention, as it is called. This is the best known of all UNESCO’s Conventions, in particular because of its World Heritage List, on which the Committee running that Convention already has inscribed over 900 sites of outstanding universal value.
* **The Convention for the Safeguarding of the Intangible Cultural Heritage** (2003), which aims at the safeguarding of the intangible heritage of humanity. By November 2010, 132 countries were States Parties. This Convention is significantly different from the World Heritage Convention in approach and scope, but has been heavily inspired by it in several of its provisions, for instance those concerning its Governing Organs, Lists, Fund, and contributions from States Parties.
* **The Convention on the Protection and Promotion of the Diversity of Cultural Expressions** (2005), aims to promote cultural diversity by strengthening the chain of creative endeavour, from production to distribution/dissemination, access and enjoyment of cultural expressions (music, craft, painting, performance, etc.). By November 2010, 115 countries were States Parties to this Convention.

## Slide 5. Comparing two Conventions (1)

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

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

When the Convention was being prepared, there was much debate about the following (among other issues):

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

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

Where the World Heritage Convention speaks of protection, focusing on cultural and natural sites of outstanding universal value, the Intangible Heritage Convention speaks of safeguarding, focusing on cultural and social practices, skills and knowledge that in the first place are meaningful to the people who enact them.

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

Although both Conventions have listing systems, the main criterion for inscription on the World Heritage List is ‘outstanding universal value’ whereas inscription on the Intangible Heritage List is justified in the first place by the value of the ICH to the communities, groups and individuals who practise and transmit that heritage. Tangible heritage conservation has traditionally focused on preserving material traces of the past – objects and buildings – to maintain a significance that is primarily defined by experts, using criteria such as authenticity and integrity, although the management of tangible heritage, too, is beginning to take community values into account (i.e. social value).

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

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

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

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

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

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| The Intangible Heritage Convention was deeply influenced by the **2001 UNESCO Universal Declaration on Cultural Diversity**:  <http://portal.unesco.org/en/ev.php-URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html>  The Preamble of the 2001 Declaration defines culture as |
| ‘the set of distinctive spiritual, material, intellectual and emotional features of society or a social group’, encompassing, ‘in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs’; |
| It notes ‘that culture is at the heart of contemporary debates about identity, social cohesion, and the development of a knowledge-based economy’; |
| It affirms ‘that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security’; and |
| It aspires to ‘greater solidarity on the basis of recognition of cultural diversity, of awareness of the unity of humankind, and of the development of intercultural exchanges’. |

## Slide 6. Comparing two Conventions (2)

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

The so-called Cultural Diversity Convention focuses on cultural expressions in general, which may include music, movies, craft, painting, performance, and so on. These cultural expressions in most cases represent new creations – they are not necessarily transmitted from generation to generation as intangible heritage is. The Cultural Diversity Convention aims to promote cultural diversity by promoting cultural productions and industries, and by promoting and regulating the dissemination of cultural goods and services.

The Cultural Diversity Convention seeks to promote development by strengthening the chain of creative endeavour, from production to distribution/dissemination, access and enjoyment of cultural expressions. The Intangible Heritage Convention focuses on a rather different aim: encouraging the sustainable practise and transmission of ICH, which may also contribute to development, either directly or indirectly. Some ICH is transmitted over generations because it creates livelihoods for people.

However the commercial value of ICH is not the main reason for its safeguarding under the Convention. Under the Intangible Heritage Convention, ‘over-commercialization’ (OD 102e) and ‘commercial misappropriation’ (OD 117) are specifically discouraged and ‘the commercial use [of ICH should] not distort the meaning and purpose of the intangible cultural heritage for the community concerned’ (OD 117).

The Operational Directives provide some guidance on the question of commercialization and ICH safeguarding:

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

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

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| Relationships between the Intangible Heritage Convention and other standard-setting texts:   * Preamble of the ICH Convention places it in the context of the Universal Declaration on Human Rights and other international standard-setting texts on human rights; * Preamble indicates as sources of inspiration within UNESCO the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore, the 2001 Universal Declaration on Cultural Diversity and the 2001, 2003 and 2005 Proclamations by UNESCO of Masterpieces of the Oral and Intangible Heritage of Humanity; * Article 3.a: In implementing the Convention there should be no interference with protection of properties under World Heritage Convention; * Article 3.b: The Convention cannot affect the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or the use of natural resources. |

## Slide 7. The Intangible Heritage Convention

UNESCO’s General Conference adopted the Intangible Heritage Convention in October 2003. Seven years later, at the end of 2010, 132 States have ratified it. The Convention entered into force in 2006, when the number of States Parties reached 30.

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

For all these versions see the website of the Convention

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

The Convention’s text contains the following main sections:

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

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

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

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

**An article on relationships** **to other international instruments** (art. 3), which speaks about relations with the World Heritage Convention and with international instruments concerning intellectual property rights and the use of biological and ecological resources;

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

**Articles on safeguarding at the international level** (art.16-18), that explain about the Convention’sLists and Register;

**Articles on international assistance and cooperation** (art.19-28), that explain how States Parties can help each other implement the Convention;

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

**Articles on ratification** that explain how States may become States Parties to the Convention (art.32-33), how they may denounce the Convention (art.36), how they may amend the Convention (art.38); and

**Other final clauses**.

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| **A note on the text of the Convention:**   * It was prepared in three sessions and an intersession of an Intergovernmental meeting, held at UNESCO between September 2002 and June 2003, in which all member States of UNESCO could participate (most of them did); see for the report of the first session: <http://unesdoc.unesco.org/images/0012/001290/129000e.pdf>; reports of the other sessions are available on the same site. * It was adopted by the General Conference of UNESCO in October 2003 (about 120 votes in favour, 8 abstentions, zero against); * From early November 2003 onwards the Convention was open for ratification, etc.; 133 states so far have deposited their instrument of ratification, etc.; * See <http://portal.unesco.org/la/convention.asp?KO=17116&language=E> * It has six equally authoritative linguistic versions: Arabic, Chinese, English, French, Russian, Spanish; * It has been translated into many more languages but these versions are not authoritative (see <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00102>); * A set of Operational Directives guide its implementation, in conformity with Article 7e of the Convention; * It may be amended, though this is not easy (Article 38); amending the Operational Directives is easier. * Some states have made declarations or reservations – most often to communicate that they did not feel bound by Article 26.1 of the Convention concerning ‘contributions to the Fund’ when they deposited their instrument of ratification; see: <http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html>   **Background: Doubts about the Convention expressed by UNESCO Member States:**  About 120 Member States voted in favour when in October 2003 the General Conference of UNESCO adopted the Intangible Heritage Convention; 8 States abstained (and a few happened to be in the corridor during voting). No Member State voted against adoption. After the adoption of the Convention many Member States started preparing for ratification; Algeria was the first country to do so.  In the early 1970s, Bolivia had led the way in trying to expand heritage thinking within UNESCO and to give ICH its due place within it. In the 1990s, Japan and the Republic of Korea played an important role in opening up UNESCO’s programmes to ICH. States in Africa and Latin America supported the idea of developing a special convention for ICH during this time, emphasizing the important place of ICH within their heritage.  But various Member States had also expressed reservations about the Convention before and during the preparation of the Convention in an Intergovernmental meeting (1st session: September 2002, 2nd session: February 2003, intersession: April 2003, 3rd and final session: June 2003).  Some Member States felt that the process was too quick and that more time would be required, in particular for the elaboration of definitions. A glossary with terms to be used in the Convention had been prepared by an expert meeting in June 2002 at UNESCO, but it was neither discussed in detail by the Intergovernmental meeting, nor was it attached as an annex to the Convention.  Other Member States did not think it a good idea to interfere with living practices – in their view these should be left alone, to live on, or to disappear, if the communities concerned chose to abandon the practice. They also expressed the fear that safeguarding and inventorying ICH might lead to freezing and/or commercialization of the ICH. Some thought that the Convention would give States an opportunity to appropriate ICH, which should instead belong to the communities of tradition-bearers.  Both in the Convention and – especially – in the ODs these concerns are therefore addressed. States Parties are warned against over-commercialization or misappropriation of the ICH. The texts emphasize the fact that safeguarding assumes that the practice and transmission of ICH is a dynamic process, which should always be under the control of the communities concerned. Actions like assigning ownership of ICH to the State in national legislation is therefore not in the spirit of the Convention.  One Member State was afraid of the possible interpretation of the word ‘necessary’ in Article 11.a of the Convention that requires a State Party to ‘take the necessary measures to ensure the safeguarding of the ICH present in its territory’. Some States have expressed concerns about the consequences of ratifying the Convention for their negotiations with minorities or indigenous communities about issues concerning territorial rights or local autonomy. The Convention should not give cause for concern in this regard, however: no rights whatsoever are established by it, not even the intellectual property rights of communities over their ICH.  A few Member States wondered whether there was any need to create a new convention for ICH, as the World Heritage Convention included intangible values associated with places. However, most UNESCO Member States saw no reason to stop negotiating the text of the new convention for intangible heritage. Much ICH is not linked to a specific place at all. It can be enacted and transmitted as long as there are enough members of a community together – indeed, ICH very often continues to be enacted and transmitted after people have moved away from their place of birth. Also, not all ICH that is linked to specific places is linked to World Heritage sites (that is to places of exceptional and universal value).  A number of western European countries, whose approach to heritage had traditionally been mainly concerned with tangible, monumental heritage, took a long time to embrace the new Convention (in many cases well after its adoption). |

## Slide 8. Objectives of the Convention

Article 1 of the Convention mentions as its objectives:

* to *safeguard* the ICH;

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

* to ensure *respect* for the ICH of communities, groups and individuals;

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

* to raise *awareness* at the local, national and international levels of the importance of the ICH, and to ensure *mutual appreciation* thereof;

The Convention aims not just to ensure respect for, but also general awareness of the important functions of intangible heritage for communities and people all over the world. The Convention also promotes awareness raising about the importance of intangible heritage as a pillar of cultural diversity and a mainspring of human creativity

The Convention also aims to help reduce conflict associated with cultural diversity, which is not always an easy task: conflicts between groups within countries are now more frequent, and can be more devastating, than international conflicts. Misunderstanding and prejudices are often based on intolerance of other social and cultural practices. Better mutual understanding and, more specifically, traditional mediation practices may play a role in mitigating conflicts and managing post-conflict situations.

* to provide for *international cooperation* and *assistance*.

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

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

In the Operational Directives, countries are encouraged to cooperate and collaborate through multi-national nominations, Category 2 centres and in other ways (OD 13, 86, 87, 88).

Category 2 centres (C2Cs) are institutions working under the auspices of UNESCO that coordinate activities on a specific topic across several countries or a broader region. Many C2Cs concentrate on water-related issues. The number of C2Cs in the domain of culture and heritage is on the increase. The first C2C for ICH, the Regional Centre for the Safeguarding of Intangible Cultural Heritage in Latin America (CRESPIAL), based in Peru, was established in 2006. In 2010 agreements were signed between UNESCO and Bulgaria, China, the Islamic Republic of Iran, Japan and the Republic of Korea establishing five new C2Cs on aspects of ICH safeguarding.

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

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

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

## Slide 9. Two Lists and a Register

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

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

Article 18 of the Convention is about the selection of programmes, projects and activities that best reflect the principles and objectives of the Convention. They are presented in a Register of Best (safeguarding) Practices (OD 7, 43, 44, 46). After their inclusion on the Register, the Committee and Secretariat promote them so that other countries and people working in the field may learn from their experiences.

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

The Lists and the Register will be discussed in greater detail later in the workshop (in session 2.5).

The following slides present some examples of elements inscribed on the Lists and of a safeguarding practice inscribed on the Register

## Slide 10. On the Urgent Safeguarding List: Building wooden bridges in China

**Traditional design and practices for building Chinese wooden arch bridges** was inscribed in 2009 on the Urgent Safeguarding List. The skills for building these bridges include those needed in wooden beam weaving and the making of mortise and tenon joints.

(If possible, facilitators could show a few minutes from the nomination video at this point)

**Summary:** Wooden arch bridges are found in Fujian Province and Zhejiang Province, along China’s southeast coast. The traditional design and practices for building these bridges combine the use of wood, traditional architectural tools, craftsmanship, the core technologies of ‘beam-weaving’ and mortise and tenon joints, and an experienced woodworker’s understanding of different environments and the necessary structural mechanics. The carpentry is directed by a woodworking master and implemented by other woodworkers. Masters teaching apprentices or relatives within a clan in accordance with strict procedures pass on the craftsmanship orally and through personal demonstration. These clans play an irreplaceable role in building, maintaining and protecting the bridges. As carriers of traditional craftsmanship the arch bridges function as both communication tools and venues. They are important gathering places for local residents to exchange information, entertain, worship and deepen relationships and cultural identity. The cultural space created by traditional Chinese arch bridges has provided an environment for encouraging communication, understanding and respect among human beings. The tradition has declined however in recent years due to rapid urbanization, scarcity of timber and lack of available construction space, all of which combine to threaten its transmission and survival.

## Slide 11. On the Representative List: Zimbabwe, the Mbende Jerusarema Dance

The **Mbende Jerusarema Dance** is a popular dance style practised by the Zezuru Shona people living in eastern Zimbabwe, characterized by the use of drumming. It was originally proclaimed as a Masterpiece of the Oral and Intangible Heritage of Humanity in 2005 and then, in accordance with Article 31 of the Convention, inscribed in 2008 on the Representative List.

**Summary:** The Mbende Jerusarema dance is characterized by acrobatic and sensual movements by women and men, driven by a polyrhythmic drummer accompanied by men playing woodblock clappers and by women handclapping, yodelling and blowing whistles. Unlike other drum-based East African dance styles, the Mbende Jerusarema does not rely on intricate foot stamping or a large number of drummers. Instead, one master drummer performs the music, and no songs or lyrics are involved.

In the course of the dance, men often crouch while jerking both arms and vigorously kicking the ground with the right leg in imitation of a burrowing mole.

The dance’s name reveals much about attitudes to it over the centuries. Before colonial rule, this ancient fertility dance was called Mbende, the Shona word for ‘mole’, which was regarded as a symbol of fertility, sexuality and family. Under the influence of Christian missionaries, who strongly disapproved of the explicit dance, the dance’s name was changed to Jerusarema, deriving from the Shona adaptation of the name of the city of Jerusalem, to endow it with a religious connotation. Both names are commonly used today. In spite of its condemnation by the missionaries, the dance remained popular and became a source of pride and identity in the struggle against colonial rule.

The dance’s character, function and meaning are changing today, as it is now often enacted as an exotic display for tourist audiences and increasingly used at political party rallies. The mitumba drums, rattles and whistles, which used to accompany the dance, have increasingly been replaced by other instruments of poor quality, losing some of the unique qualities of the Mbende music.

Note:

In view of the last paragraph, which clearly indicates that the practice is endangered, participants may query the inscription of this dance on the Representative List. In fact, all elements that were proclaimed Masterpieces by UNESCO were automatically integrated into the Representative List in 2008, in accordance with Article 31 of the Convention. One of the criteria for the proclamation of an element as a Masterpiece was that it had to be (more or less) endangered. Various programmes were implemented to safeguard elements proclaimed as Masterpieces, so some of them may no longer be seriously endangered. Of course there is no clear-cut distinction between viable and endangered elements. For instance, an element may be thriving in most of the area concerned, but losing support in some places, or the transmission may be somewhat impaired, but not to the extent that its disappearance is imminent.

## Slide 12. Register of Best Practices: Enhancing the transmission of Batik making in INDONESIA

Indonesian batik is a traditional hand crafted textile on which patterns are produced by making dye-resistant wax marks on the fabric before dyeing. The main objective of the programme ‘Education and training in Indonesian Batik intangible cultural heritage’ is to increase awareness and appreciation of the production of batik among younger Indonesians, by incorporating it in the formal curriculum of local educational institutions. This project was included on the Register of Best Practices in 2009.

**Summary:** Indonesian Batik is a traditional hand-crafted dye-resist textile rich in cultural values, passed down for generations in Java and elsewhere since the early nineteenth century. The batik community noted the younger generation’s interest in batik was waning, and felt the need to increase efforts to transmit batik cultural heritage to guarantee its safeguarding. The main objective of the programme is therefore to increase the awareness and appreciation of the traditional skills and values involved in Indonesian batik among the younger generation.

Law No. 20 of 2003 makes it possible to include batik culture in curricula as ‘local content’ in areas having batik cultural heritage, such as Pekalongan City. The Batik Museum initiated the programme in 2005, in close cooperation with the educational authorities of the city, and it continues to expand to Pekalongan District and neighbouring Batang, Pemalang and Tegal districts. This programme, whose effectiveness has been demonstrated through evaluations, constitutes an effort to (a) safeguard intangible cultural heritage by ensuring its transmission to the next generation, (b) ensure respect for the intangible cultural heritage by giving Indonesian Batik a respectable place as local content within the curricula of various strata of formal education, beginning from elementary, junior, senior and vocational schools up to polytechnic, and (c) raise awareness of the importance of intangible cultural heritage.

## Slide 13. Organs of the Convention

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

The General Assembly is the sovereign body of the Intangible Heritage Convention (see Article 4 of the Convention). All States Parties to the Convention are members of the General Assembly. It instructs the Intergovernmental Committee and it has the final word in matters of interpretation of the Convention.

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

The Intergovernmental Committee (see Articles 5 to 9 of the Convention) is composed of representatives of 24 States Parties to the Convention, elected by the General Assembly for four years. The Committee members have a mandate to oversee the implementation of the Convention, including the inscription of ICH on the lists of the Convention and the inclusion of best safeguarding practices in the Register. The Intergovernmental Committee also prepares the Operational Directives (for approval by the General Assembly) and it manages the Fund of the Convention, among many other things.

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| The Intergovernmental Committee meets in ordinary session once a year and regularly reports about its activities to the General Assembly. |
| Its meetings so far have been: |
| 1.COM: Algiers, 2006, |
| 2.COM: Japan, 2007, |
| 3.COM: Istanbul, 2008, |
| 4.COM, Abu Dhabi, 2009, and |
| 5.COM: Nairobi, 2010. |
| Two extraordinary sessions were held in the period the Committee was preparing the first set of operational directives: Chengdu, May 2007, and Sofia, February 2008. |
| At present, Indonesia chairs the Committee, and the next ordinary session will be held in Bali (Indonesia), probably in November 2011. |
| For Committee membership see: |
| <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00028> |
| In order to ensure equitable geographical distribution in the membership of the Committee and the bodies it creates, the Committee decided to follow the principle of (six) electoral groups used within UNESCO organs as a basis for the distribution of seats. So, subsidiary bodies of the Committee usually have six members, one for each of the electoral groups. The same principle was used for the first Consultative Body that the Committee created (Nairobi, 2011). |
| The Intergovernmental Committee has 24 seats and each of the six groups at any moment has at least three seats in the Committee, the remaining six being distributed over the electoral groups in proportion to the numbers of States Parties belonging to these groups. |
| The electoral groups are: |
| I: Western Europe/North America; II: Eastern Europe III: Latin America and the Caribbean IV: Asia and the Pacific V (a): Sub-Saharan Africa V (b): Arab States |

The Bureau of the Intergovernmental Committee is mandated to act in the name of the Committee between Committee sessions on specific issues. It is composed of six States – again, one for each of the electoral groups.

At present, the Bureau is composed of Prof. Aman Wirakartakasumah (Indonesia) as Chairperson of the Committee, Mr Ion de la Riva (Spain) as Rapporteur of the Committee, and members from Albania, Nicaragua, Niger and Morocco as Vice-Chairpersons of the Committee. It will remain in place until the end of the 2011 session in Indonesia.

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

The General Assembly and the Intergovernmental Committee both adopted their own Rules of Procedures, which are included in the ‘Basic Texts’ of the Convention

The UNESCO Secretariat assists the governing organs of the Convention and their subsidiary and/or consultative bodies in the implementation of the Convention, which includes receiving and processing nominations to the Lists and the Register, requests for assistance and reports coming from the States Parties.

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

The Convention encourages States Parties and communities to consult with, and involve NGOs in identifying, defining and safeguarding the ICH in their territory. The ODs encourage cooperation not only with NGOs, but also with experts, centres of expertise, research institutes (OD 79 – 90). NGOs and other organizations and individual experts may, of course, assist State agencies and/or communities in various other activities aimed at ICH safeguarding and the implementation of the Convention at the national level.

## Slide 14. Operational Directives

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

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| **An overview of the Operational Directives**  **Chapter 1** deals with criteria and procedures concerning nominations to and inscriptions on the Lists and the Register of the Convention and concerning international assistance;  **Chapter 2** deals with the Fund of the Convention (use, contributions, donations);  **Chapter 3** is about the participation of communities, NGOs, institutions and individual experts in the implementation of the Convention;  **Chapter 4** is about how to raise awareness about ICH and the use of the emblem of the Convention;  **Chapter 5** regulates how States Parties should regularly report to the Committee about their efforts to implement the Convention.  The Operational Directives are available in Arabic, Chinese, English, French, Russian and Spanish: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026> |

Amendments to the Convention are possible (see Article 38), but the procedures for dealing with them are very complex. Unlike the Convention, the Operational Directives may be changed, adapted and enlarged quite easily. Any change proposed by the Committee has to be approved by the General Assembly, which meets every second year. The Operational Directives are likely to remain work-in-progress. The first set of Operational Directives was approved in June 2008; they were amended, mainly with respect to the regulations and timetable for nominations to the Urgent Safeguarding List, and enlarged in June 2010.

## Slide 15. ICH Fund

The ICH Fund primarily finances international assistance as described in chapter V of the Convention.

In principle States Parties contribute to the fund a proportion (at present 1%) of their contribution to UNESCO.

Some States Parties and various organizations make considerable additional contributions.

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

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

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

The issue of international assistance is further elaborated in session 2.6 of this course.

## Slide 16. exercise: Obligations of States Parties to the Convention

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

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

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

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

States that are not members of UNESCO may accede to the Convention. Member states of UNESCO may ratify, accept or approve the Convention, in accordance with their constitutional regulations.

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

Article 11.a – ‘Each State Party *shall* take the necessary measures to ensure the safeguarding of the ICH present in its territory’.

Article 15 – ‘... each State Party *shall* *endeavour* to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management’.

States Parties also need to define, identify and inventory this heritage:

Article 11.b – ... each State Party *shall ...* identify and define the various elements of ICH present in its territory, with the participation of communities, groups and relevant NGOs’.

Article 12 – ‘...State Party *shall* draw up, in a manner geared to its own situation, one or more inventories of the ICH present in its territory. These inventories *shall* be regularly updated’.

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

Article 26.1 – ‘... States Parties ... *undertake* to pay into the Fund, at least every two years, a contribution...’.

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| (Article 26.2 states, however, that States when depositing their instrument of ratification, may declare that they shall not be bound by Article 26.1; Article 26.4 makes it clear that States who make such a declaration (which, so far, only four States have made) shall pay a contribution that should be as close as possible to the one they would have had to pay if they would have been bound by Article 26.1. |

Article 29 – ‘… States Parties *shall* submit to the Committee ... reports on the legislative, regulatory and other measures taken for the implementation of this Convention’.

## Slide 18. Becoming a State Party

Participants in this course may be interested in technical aspects of the Convention that are dealt with in the last chapter of the Convention: ‘Final Clauses’.

Article 32 explains that Member States of UNESCO (i.e. almost all states of the world) may become States Parties to the Convention by ratifying, accepting or approving it – in accordance with their constitutional procedures. Other states (i.e. non-Member States of UNESCO) may accede to the Convention.

Article 33.2 provides that certain territories that enjoy self-government and are recognized as such by the United Nations may also accede to the Convention (for example, the Palestinian Authority might decide to accede to the Convention; one of the elements inscribed on the Representative List, a former ‘Masterpiece’, is located in Palestinian Territory).

The Convention enters into force for new States Parties three months after the deposit of their instrument of ratification with the Director-general of UNESCO (Article 34).

A regulation for the transmission of obligations in federal states in indicated in Article 35.

## Slide 19. Ceasing to be a State Party

States Parties, of course, may denounce the Convention (Article 36); a denunciation takes effect 12 months after the deposit of the instrument of denunciation. Once the denunciation takes effect, the State will no longer be a State Party to the Convention.

## Slide 20. Benefits of implementing the Convention (1)

Of course, implementing the Convention brings various benefits (which is why States ratify the Convention):

At a national level, these benefits include

* Better understanding and safeguarding of the ICH nationally, contributing to:
  + Well-being of communities;
  + Respect and understanding between communities;
  + Cultural diversity, also on the national level; and
  + Sustainable development including appropriate and respectful tourism.

## Slide 21. Benefits of implementing the Convention (2)

Benefits of implementing the Convention at the international level include:

* Joining a world-wide network active in the domain of heritage;
* Nominating elements to the Lists and – if all goes well - seeing them inscribed;
* Drawing attention to and sharing its own good safeguarding practices internationally through the Register;
* Sharing ICH expertise and good practices internationally – profiting from skills and information exchanges under the various activities of the Convention;
* Consolidating good relations with other States through cooperation on the regional and international level, e.g. by nominating intangible heritage that is shared across international borders to the Convention’s lists; and
* Participating in the organs of the Convention.

## Slide 22. Points to remember (1)

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

## Slide 23. Points to remember (2)

The Convention

* Is managed by two organs: the General Assembly and the Intergovernmental Committee;
* A set of Operational Directives regulate the implementation of the Convention on the international level and advise the States Parties on its implementation on the national and regional level;
* It has two Lists and a Register of Best Practices;
* It has a Fund from which international assistance is provided for safeguarding activities in the widest sense of the word; and
* Ratification brings both obligations and benefits for States Parties.

# RAT 2.3 Lesson plan: Key concepts

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| **Title of activity: Ratification of the Convention 2.3 – key concepts** |
| Duration: 1.5 hours |
| Objective(s):  Establish fundamental understanding of key concepts used in the Convention. |
| **Description:**   1. Presentation 2.3 on key concepts of the Convention    * Word cloud    * Domesticating the Convention    * Words to think about 2. Words to think about: Reading definitions in the Convention and explanations in the Glossary leads to a discussion of terms in local languages that might correspond to some of the Convention’s terms, and what connotations they may have. 3. Optional: Each country representative comments on or reads any section of their own legislation / policy / projects to do with ICH definitions. 4. Presentation 2.3    * Definitions in the Convention    * Domains of the Convention    * Safeguarding concepts    * Community Participation |
| **Supporting documents:**   * Presentation 2.3 plus narrative * Hand-out 2.3 – Glossary |

**Notes and suggestions:**

At an appropriate time during the session facilitators may ask participants to read with them some of the explanations of terms in the Glossary (Hand-out 2.3). This may encourage them to consult the glossary for explanations of terms that occur in the Convention (and/or in the Operational Directives). Do try to avoid the term ‘definitions’ for explanations given in the Glossary. Definitions are found only in the Convention; the Glossary does not pretend to offer definitions officially approved by the Organs of the Convention.

# RAT 2.3 Presentation: Key concepts in the Convention

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# RAT 2.3 Narrative: Key concepts in the Convention

## Slide 1. Key concepts

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

These concepts are also included in the Glossary (Hand-out 2.3). Do try to avoid the term ‘definitions’ for explanations given in the Glossary. Definitions are found only in the Convention; the Glossary does not pretend to offer definitions officially approved by the Organs of the Convention.

## Slide 2. In this presentation …

* Words to think about
* Domesticating the Convention
* Intangible Heritage
* Communities
* Safeguarding

## Slide 3. Word cloud of the Convention

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

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

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

## Slide 4. Words to think about

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

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

This situation has led to the presence of few strict obligations, many recommendations and open definitions in the Convention. As will be seen later in this session, the definition of ICH developed for the purpose of the Convention is also an open one, which, however, does introduce a few thresholds: as a result, it is in fact easier to determine when an element does not meet the definition of ICH than when it does.

The few classifications given in the Convention are not exhaustive; this applies as much to the list of ICH domains presented in Article 2.2 as to the list of safeguarding measures presented in Article 2.3. There are important terms used in the Convention that are left undefined, including the ‘communities, groups and individuals’ who have to play a key role in the implementation of the Convention.

At the time of the preparation of the Convention a glossary was prepared to explain a number of important terms occurring in the draft texts of the Convention. After ample discussion it was decided that the glossary would not be attached to the text of the Convention. The Committee decided in 2006 that they wished to continue this flexible approach towards the terms used in the Convention. The Committee therefore continued to regard the glossary as a helpful tool for those discussing the Convention rather than as a definitive text.

The terms figuring on slide 4 should ideally be discussed in this session; the facilitator may also discuss other concepts figuring in the Glossary (Hand-out 2.3).

## Slide 5. Domesticating the Convention

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

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

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

In some countries new acronyms have been invented to describe ICH. For example in Botswana, the acronym NEST (standing for Ngwao e e sa Tshwaregeng - heritage that is intangible) is used instead of ICH. A local poet, who was also a committee member for a District ICH Committee, invented the acronym.

When they are translated into other languages, new concepts – and especially concepts with open definitions – take on different connotations in their new surroundings, of course. These concepts should be discussed and debated in relation to the definitions in the Convention.

It is of the utmost importance that the Convention be translated in as many languages as possible and that through this process, people in different regions start to think deeply about how the concepts used in the Convention and the recommendations it contains can be applied to their own context. That will give people interested in the safeguarding of their ICH, or of ICH in general, better access to the Convention and its ideals and it will facilitate capacity building for safeguarding on the national or local/community level.

This is important because the Intangible Heritage Convention is about safeguarding, and much of this safeguarding activity can only happen within and by communities and groups practicing and transmitting that heritage.

## Exercise

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

Participants discussing the translation of the concept of ICH in other languages or national contexts may wish to consider whether its meaning:

* Includes or excludes ICH no longer practised (note: the Convention excludes ICH no longer practised in its definition);
* Includes or excludes ICH of immigrant and emigrant communities (note: the Convention includes ICH of immigrant communities in its definition);
* Has connotations similar to ‘(traditional) folklore’ in English (old, unchanging, etc., which would not be compatible with the Convention’s definition of ICH); or
* Relates in some way to tangible heritage (e.g. tools and instruments, places etc. Note that the Convention includes associated objects and places in its definition of ICH.).

Participants should be reminded that although other definitions of ICH might exist in various languages and contexts, the definition of ICH given in the Convention is paramount in nominating elements to the Lists, applying for funds etc.

In some national or local contexts, general terms (such as ‘folklore’ or ‘popular culture’) are used to describe not only ICH as understood by the Convention, but also practices or expressions that do not conform to the definition of ICH in the Convention (e.g. practices that have long ceased to be practised or been recently invented). These more general terms can be used to describe practices or expressions in the local context, but when referring to ICH as defined under the Convention, it may be less confusing, and therefore preferable, to use a local translation of the term ICH, even if a new word or acronym has to be invented for the purpose.

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

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

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

It is important to notice that the people concerned are the ones who are entitled to recognize what belongs and what does not belong to their cultural heritage. Other people such as officials or outside experts cannot decide for these communities that a given expression or practice is part of their heritage, and no-one can force them to safeguard it if they do not wish to do so. Later on we will discuss the expression ‘*communities, groups and individuals’*.

The main focus in this first sentence is on that are enacted or transmitted by people: *practices, expressions, knowledge and skills*. Interestingly, *associated instruments, objects, artefacts and cultural spaces* are, also taken up in the definition. They are, however, only part of ICH in their *association* with ICH practices and need not by themselves have separate (tangible) heritage value. The Convention wishes to safeguard and promote processes (and objects required for their enactment) rather than tangible products that result from processes

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| At the session of the Committee in Nairobi (2010) it was felt that objects could not be the main focus of an inscription on the Lists of the Convention; accordingly, the name of one of the nominated elements was changed (from ‘The Azerbaijani Carpet’ to ‘The traditional art of Azerbaijani carpet weaving in the Republic of Azerbaijan’.  In a similar vein, languages, which for the purposes of the Convention are considered as vehicles of the ICH, cannot by themselves constitute the target of a nomination to one of the Lists of the Convention. |

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

The main message in the second sentence of the Convention’s definition is that ICH is

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

In other words,

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

ICH has a history of practice and significance but most importantly it has a current function and meaning to the people who practise it. ICH is passed down between generations and shared between peers. ICH can also sometimes be shared and enjoyed by people outside the group who have traditionally practised it.

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

The Convention does not specify numbers of generations, but a practice or expression could be considered intangible heritage in terms of the Convention if it has been transmitted for a few ‘generations’ within a specific group or community. In terms of the Convention, once these conditions have been satisfied, it is immaterial whether the practice or expression was first invented by this group or community, or adopted and adapted from practices in other communities.

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

Practices and expressions with a totally fixed form and content, i.e. frozen elements that are not ‘constantly recreated in response to the environment’, are not considered ICH under the Convention. Documentation of an element in the framework of a safeguarding project should take into account the variation of its manifestations and of its functions; it should not be aimed at establishing canonical, ‘authentic’ or ‘better’ versions.

ICH contributes greatly to cultural diversity and its enormous and ever-changing variety bears testimony to human creativity. Safeguarding ICH will contribute to the promotion and the enjoyment of cultural diversity and human creativity.

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

ICH profoundly affects communities, and plays a role in relations between communities; it may also affect the environment, and vice versa, so it’s important to look at the quality and consequences of these interactions. In the preamble of the Convention intolerance is mentioned as one of the factors that may endanger ICH. In several articles of the Convention States Parties are required or requested to see to it that the safeguarding of the ICH contributes to better mutual understanding, and to mutual respect.

Participants can probably think of examples in which there is no such respect for ICH, or where ICH practice contributes to difficult relations between different communities. So, it is not surprising that the definition states that under the Convention, ICH can only be taken into account when it:

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

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| **Example:** In Kenya, the Department of Culture, the National Museums of Kenya and UNESCO, in cooperation with communities in western Kenya, convened an open-air forum in Kakamega on 9 December 2008. This forum contributed to the process of reconciliation among Luhya sub-communities in Western Province after the violence and disruption following the presidential election of December 2007. More than 25 communities, led by their chiefs and representatives, participated in the event, which led to a resumption of trading activities between some of the communities. At the forum, participants observed traditional practices associated with resolution and peace-making such as the exchange of gifts (grinding stones, cloths and ornaments), sharing of a locally brewed alcoholic beverage *Busaa*, references to the *murembe* or *milembe* peace tree, and the singing of commonly known songs.[[1]](#footnote-1)  Note: At the fifth session of the Intergovernmental Committee (Nairobi, 2010) the Committee made it clear that elements of ICH that refer to actual or past conflicts between groups or communities should not be inscribed on the Lists of the Convention or otherwise be taken into account in the framework of the implementation of the Convention on the international level. |

The Convention’s definition of ICH also mentions ‘the requirements of sustainable development’. Practices and expressions that hinder sustainable development, for instance by exhausting natural resources, or by impairing the socio-economic development of the group concerned, are not considered ICH under this Convention.

**Sustainability** means being able to practise and transmit the element in the present without compromising the ability of future generations to practise and transmit it in the future, or the quality of the natural environment; it also means contributing to the socio-economic development of the community concerned.

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

## Slide 10. Intangible Heritage Domains

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

1. Oral traditions and expressions such as story-telling, oral poetry, songs, proverbs, riddles, epic poems; language is mentioned only as a vehicle of ICH. This means, for instance, that a language as such cannot be inscribed on the Lists of the Convention and that it can only be targeted in safeguarding measures as a vehicle of the ICH, not in its own right (see the box at the end of the narrative with this slide);
2. Performing arts, such as traditional songs, music, dance;
3. Social practices, rituals and festive events; such as those linked to the agricultural and pastoral cycles, to highlights in the lives of groups and individuals; popular festivities linked to specific places, such as carnivals;
4. Knowledge and practices concerning nature and the universe, such as traditional healing, knowledge about herbs and their application, water management systems, star-guided navigation, or astrology, and greeting ceremonies;
5. Traditional craftsmanship: the knowledge and skills involved in crafts, from pottery to mask-making and vernacular architecture.

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

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

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

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

Many intangible heritage elements depend heavily on the language traditionally used by the community concerned, as the spoken word is important in the enactment and transmission of virtually all intangible heritage, but especially in oral traditions and expressions, songs and most rituals.

Bearers of specific traditions often use highly specialized sets of terms and expressions, or specific registers of a language. Thus, while specific languages cannot in themselves be nominated as elements to the Lists of this Convention, they – or aspects of them – may need to be safeguarded as vehicles of the intangible heritage of a given group or community.

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

A majority of Member States, however, did not think that a Convention on Intangible Heritage was the ideal instrument for trying to safeguard the linguistic diversity of the world. There is a UNESCO Atlas of the World’s Languages in Danger which aims to raise awareness about the on-going loss of linguistic diversity, but which is not associated with a standard-setting text or safeguarding programs.

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

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

There is also much intangible heritage that has spiritual aspects to it. However, organized religions cannot be specifically nominated to the Convention’s Lists, and ICH elements relating to religious traditions are normally presented as belonging under domain (d).

Since states have very different linguistic, religious, ethnic and other internal diversities, and policies concerning them, it would have been impossible to reach consensus about explicit recommendations for the place to be given to language and religion within ICH policies to be advocated by the Convention.

## Exercise

To illustrate these points ask participants to think of a few examples of intangible heritage and see if participants can select one or more domains into which they could potentially be classified.

## Slide 11. Zema liturgical music

There may be spiritual aspects to much of the intangible heritage but formal religions such as Islam, Hinduism or Christianity for example, are not considered elements of intangible heritage under the Convention.

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

This element has not been inscribed on any Lists of the Convention, but that does not make it any less important as an example of the intangible cultural heritage of humanity.

## Slide 12. The Hudhud Chants of the Ifugao

As mentioned above, many elements of intangible heritage belong to more than one of the domains mentioned in the Convention.

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

The Hudhud consists of narrative chants traditionally performed by the Ifugao community, which is well known for its rice terraces extending over the highlands of the northern island of the Philippine archipelago. It is practised during the rice-sowing season, at harvest time and at funeral wakes and rituals. Thought to have originated before the seventh century, the Hudhud comprises more than 200 chants, each divided into 40 episodes. A complete recitation may last several days.

Since the Ifugao’s culture is matrilineal, the wife generally takes the main part in the chants, and her brother occupies a higher position than her husband. The language of the stories abounds in figurative expressions and repetitions. There are very few written versions of this oral tradition. The chant tells about ancestral heroes, customary law, religious beliefs and traditional practices, and reflects the importance of rice cultivation. The narrators, mainly elderly women, hold a key position in the community, both as historians and preachers. The Hudhud epic is chanted alternately by the first narrator and a choir, employing a single melody for all the verses.

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

## Slide 13. Vanuatu sand drawings

Intangible heritage does not just include oral and musical performance and ritual; it also includes skills and crafts. One example of this is the element Vanuatu sand drawings, inscribed on the Representative List in 2008.

Sand drawing is a multifunctional ‘writing’ produced on the ground, in sand, volcanic ash or clay, using one finger to draw a graceful, often symmetrical, composition of geometric patterns. It serves as a means of communication among the members of some 80 ethno-linguistic groups in Vanuatu.

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

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

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

Safeguarding measures that aim at preserving the art of sand drawing in Vanuatu in a meaningful way are underway within the communities concerned.

## Slide 14. Communities (sub-heading)

## Slide 15. Defining the community concerned

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

Under the Convention, ‘communities, groups and individuals’ concerned means those people who participate directly or indirectly in the practice or transmission of an ICH element (or a set of elements), and consider this ICH to be part of their cultural heritage. The Operational Directives also make a frequent use of these terms, while also at some occasions introducing ‘tradition bearers’ and ‘practitioners’ as people having specific tasks in a community or group in the enactment and transmission of ICH.

One of the reasons for the lack of a formal definition is that it is very difficult to define a community – like intangible heritage, associated communities and groups are fluid. The concepts of community and group may also be understood in different ways by different people and in different political contexts.

Communities can be defined according to administrative, geographical, ethno-linguistic or other criteria. People can thus be part of different communities at the same time. The identification of communities and groups should in the first place be done by the people themselves. They can define themselves as a community or group in relation to many factors, for instance in relation to their language, a specific ICH element, or to a set of such elements.

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

The governmental experts who prepared the text of the Convention in 2002-2003 were happy to leave these notions undefined, and not just because of the objective problems mentioned above. If they had tried to define these concepts, they might not have finished drafting the text in 2003, or even in 2005. Most states show a considerable cultural and ethno-linguistic diversity and states deal with their diversities in different ways. Some states, usually strongly centralized states, that are engaged in intensive processes of nation building or nation consolidation are not interested in having outsiders (or a Convention) prescribe how they have to define and deal with communities, and/or groups. Some states recognize indigenous communities, for example, whereas others don’t. States who have just emerged from a difficult period of internal problems wish to focus on common identities rather than internal differences.

## Slide 16. The relationship

There is thus a close relationship between an ICH element and the ‘communities, groups and individuals’ concerned. They are involved in the enactment and transmission of the ICH; without them the ICH does not manifest itself. They are the masters of their ICH. In turn, practicing and transmitting their ICH contributes to their sense of identity and continuity and it often generates income and prestige.

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

**Article 15**

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

## Slide 17. Safeguarding (sub-heading)

## Slide 18: Safeguarding concepts

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

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

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

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

## Slide 19: Key safeguarding measures

Safeguarding measures may include identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as revitalization (Article 2.3 of the Convention).

This list of measures, just like the list of domains given in Article 2.2 of the Convention, does not pretend to be complete and of course many safeguarding actions could be classified under several of these measures at the same time. Article 11.b adds ‘definition’ of ICH to this list, Article 12 ‘inventory making’. Capacity building (for safeguarding) and awareness raising are more general measures mentioned in the Convention and the ODs.

In any real situation, threats and risks are to be determined first, after which safeguarding actions may be developed. The category of safeguarding measures in the Convention to which these actions may belong is a matter of secondary importance.

These measures are defined more fully in the Glossary. Three of these terms are of particular interest here: inventorying, revitalization and awareness raising.

**Inventorying,** together with identification and definition, is a major obligation of States Parties under the Convention (Article 11 and 12 of the Convention). In session 2.4 on implementation of the Convention at the national level, inventory making will be properly introduced. Suffice it here to say that Inventoryingmeans collecting and presenting information on ICH elements in a systematic way. An inventory can be disseminated as a paper list, a multimedia database or another type of publication. Inventorying should be done with the participation of the communities or groups concerned. States Parties may organize ICH inventories in whatever manner seems most appropriate to them. Inventories may have various goals; contributing to safeguarding and awareness raising are probably the most important of them. The Convention requires inventories to contribute to the safeguarding of elements on them.

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

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

The Convention and its Operational Directives encourage continued enactment within communities and groups, and transmission of ICH over generations, rather than just the creation of cultural products or performances. The Convention’s emphasis on transmission within the communities or groups concerned is the reason why the Operational Directives state ‘All parties are encouraged to take particular care to ensure that awareness-raising actions will not de-contextualize or denaturalize the intangible cultural heritage manifestations or expressions concerned’ (OD 102).

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

## Slide 20. More safeguarding measures

Other safeguarding measures mentioned in the Convention include the following:

Documentation, research

Identification, definition

Preservation, protection

Promotion, enhancement

Transmission, e.g. through education

Ensuring access to places and materials

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

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

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

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

## Slide 21. The role of Communities in safeguarding

The communities and groups (and where relevant, individuals) concerned are mainly responsible for the transmission and enactment of ICH and they have to give their commitment to safeguarding any element of ICH.

Communities and groups may, if they wish, receive assistance from various agencies in implementing safeguarding activities (such as identification, documentation, revitalization etc.). These other agencies may include the ministries, NGOs, researchers, documentation centres and so on.

The communities are always indispensable to safeguarding; only awareness-raising about or promotion of an element aimed at outsiders could be done without the direct involvement of the communities and groups concerned, although this, too, would have to be done with their consent (and guidance where necessary).

Article 2.1 of the Convention states that it is up to the communities or groups of tradition-bearers to determine whether a given practice or tradition constitutes part of their cultural heritage, or not. They are best placed to determine whether a specific practice or expression is crucial for their identity or sense of continuity. Article 11.b of the Convention underlines this point again when it states that ICH elements are to be identified and defined ‘with the participation of communities, groups and relevant NGOs.’ Article 15 wishes States Parties to ensure that communities and groups are fully involved in the safeguarding and management of their own ICH.

The Operational Directives of the Convention (OD 1 (U4), 2 (R4), 7 (P5)) require that the communities, groups or individuals concerned with specific elements of ICH be always fully informed and involved in any request or proposal concerning their ICH that may be sent by State(s) Party(ies) to the Intergovernmental Committee. Therefore, for nominations and many safeguarding activities, the communities concerned have to give free, prior and informed consent.

When communities, groups or individuals are involved in the development of a nomination file for an element of their ICH, including the elaboration of safeguarding measures, they must be in a position to provide, freely and voluntarily, their agreement (consent) to the preparation and submission of the file. They should be given sufficient information and time to make this decision and be properly informed of the likely benefits and any possible negative consequences of inscription. Without their consent the preparation of a nomination file should not be undertaken, or submitted to UNESCO.

## Slide 22. Points to remember

Intangible heritage is living heritage that is transmitted from older to younger generations, from master to apprentice within a community or group context;

Intangible heritage is always changing due to internal and external factors, such as adaptations to a new environment, or to changes in the social or cultural environment;

It is practised by people within a community (who may play different roles in doing so) and who derive from it a sense of identity and continuity; and

Safeguarding involves assisting communities to continue practicing and transmitting their ICH.

# RAT 2.3 Hand-out: Glossary

### Intangible heritage (ICH)

Article 2.1 of the Intangible Heritage Convention says that ICH is

*‘the practices, representations, expressions, knowledge, skills*

*– as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage’.*

*This intangible cultural heritage,*

*… transmitted from generation to generation,*

*… is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history,*

*and provides them, with a sense of identity and continuity,*

*… thus promoting respect for cultural diversity and human creativity.*

*For the purposes of the Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing human rights instruments,*

*… as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.*

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

Article 2.2 says that ICH elements may fall under one or more of the following domains (implicitly acknowledging that other domains may be identified as well):

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

### Element

The Convention speaks about ICH in general, and about specific elements (or, occasionally ‘items’) of ICH.

An ‘element’ of ICH is a social or cultural practice or expression, a specific knowledge or skill defined by the ‘communities, groups and individuals concerned’ as part of their heritage.

An element can be defined quite broadly, as in the ‘Places of memory and living traditions of the Otomí-Chichimecas people of Tolimán’ (Mexico) or quite narrowly, as in the ‘Seto Leelo, Seto polyphonic singing tradition’ (Estonia). A carnival may be spoken about as an element, but a well-defined part of it, such as a procession, could also be considered an element, as long as the community agrees.

ICH elements are about processes, not products or objects. For example, the skills associated with pottery production may be considered an element of ICH, but not the end product – the pots themselves. A recording of a presentation by a puppeteer is not ICH, or an element of it; but the knowledge and skills of the puppeteer, the ever-changing performances of the puppet show, and the associated puppets might constitute an element.

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

### Community, Group, Individual, Tradition-bearer, Practitioner

The preamble to the Convention says that ‘communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity’. None of the terms in this section is defined in the Convention.

**Communities** can be defined according to many criteria, including administrative, geographical, occupational or ethno-linguistic criteria. The preamble of the Convention indicates that the term ‘communities’ as used in the Convention also covers indigenous communities. They are often fluid networks of people with a (perceived) common history and a common interest, so they are difficult to define in abstract terms. Communities, groups or individuals can also be defined in relation to a specific ICH element, or to a set of such elements. People can be part of different communities at the same time; they can also join and leave communities. It is important to realize that communities as a rule are not homogeneous and that within a community or – for that matter – a group there may be different opinions about matters related ICH identification or safeguarding.

The Convention does not indicate how to differentiate between communities and groups; some interpret groups as consisting of people within a community, or across communities (such as **practitioners** or **tradition-bearers**) who have special knowledge of a specific element, or a special role in its transmission or enactment. **Individuals** in some cases have very specific roles, for instance, as practitioners, or as custodians; often they are the only surviving persons within a community who have the requisite knowledge and skills to practise a specific form of ICH.

### Free, prior and informed consent

When communities, groups or individuals are involved in the development of a nomination file for inscription of an element of their ICH on one of the Lists of the Convention – including the elaboration of safeguarding measures – they must be in a position to provide, freely and voluntarily, their agreement (consent) to the preparation and submission of the file. They should be given sufficient information and time to make this decision and be properly informed of the likely benefits and any possible negative consequences of inscription. Without their consent the preparation of a nomination should not be undertaken, or submitted to UNESCO. These obligations follow from the inscription criteria developed for both lists (see Operational Directives 1 and 2).

### Shared heritage

Because of the often arbitrary demarcation of national borders on the one hand, and migrations (forced or voluntary) on the other hand, many elements of ICH, and the associated communities, are shared across more than one country. **Shared heritage** can be the subject of a multinational nomination to the Intangible Heritage Convention’s Lists if the countries concerned are States Parties to the Convention. The Convention and its Operational Directives encourage international cooperation for shared heritage so that elements may be better safeguarded. More generally, cooperation between States in the domain of culture promotes positive international relations and mutual understanding.

### Viability, Threats and Risks

The **viability** of ICH is its potential to continue to be enacted, developed and transmitted, and to remain significant to the community or group concerned. In assessing viability one asks questions such as:

* Are people in the community happy with the way they enact and transmit the element?
* Do they generally want to continue practicing and transmitting the element?
* Is there anything preventing them from doing so?

Current problems hampering the enactment and transmission of the element (e.g. migrations, warfare, disputes or limitations on access to materials or sites) are described as **threats** to viability. Possible, future threats to the continued enactment and transmission of the element are described as **risks**.

Inscription on a list of the Convention may in itself involve certain **risks** that can be foreseen and, if necessary, dealt with in a management or safeguarding plan.

Threat and risk assessment is to be carried out with the participation of the practitioners and other tradition bearers concerned. People will not always agree among themselves about the risk assessment: some, for instance, might consider a specific change in the enactment of an element as a regular adaptation that does not impair the function or value of the element as a whole, while others might resent it. Communities should be assisted, where necessary, in solving such problems– in many cases ICH is a source of joy for the people involved, and implementing the Convention should not change that.

### Sustainability

**Sustainability** is often defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. As the practice of an ICH element has to meet the requirements of sustainable development, so steps have to be taken to ensure the continued availability of the necessary materials for its practice or transmission, if any, without endangering future supplies, or the environment of the community involved. For example, wood for bridge building should be sustainably harvested and, where necessary, acceptable alternatives should be found for materials that can no longer be used (e.g. camel bone to replace ivory in craft manufacture). Intangible heritage has often provided its practitioners with an income; if managed well (see below under ‘commercialization’), ICH may continue to have its function within society and at the same contribute to the further development of the communities, groups and individuals concerned.

### Commercialization, Decontexualization

Sometimes, economic interests are already very important in the practice and transmission of an intangible heritage element, as for example when traditional knowledge and craft constitutes the livelihood of a group of practitioners, or when musicians were (or are) remunerated for performing at weddings, courts, etc. This economic value in the element helps to sustain it over time, just as much as its cultural value does. New forms of economic value can be introduced which is acceptable when it contributes to the safeguarding of an element in a way that is welcomed by the communities and groups concerned.

Increased economic value of an element need not be detrimental to the viability of the element. Change in the practice and transmission of intangible heritage is normal and often inevitable to ensure its continued relevance to the communities concerned in a changing world. Tourism or craft production can for example encourage, enable or even happen in parallel with the enactment and transmission of intangible heritage by and for the communities concerned. However, when the introduction of new audiences or markets and new products becomes a goal in itself, with actual or potential adverse effects on the safeguarding of the element in its community context, we use the term **commercialization**.

Sometimes the intangible heritage experience is ‘packaged’, or abridged for presentation to tourists and other paying audiences. It may thereby be **decontextualized**, i.e. taken out of its context, in what the communities concerned might consider unacceptable ways. This could happen, for example, when selected parts of a musical tradition or oral poetry are staged by professional groups in theatres while the community concerned is told that their performance in a village setting, using the full repertoire of music or poetry, is not marketable, sufficiently attractive or professional. Such actions might have an adverse impact on the function or values of the element within the community concerned and thus diminish their interest in its continued practice.

### Authenticity

**Authenticity** is not a concept used in the Intangible Heritage Convention, because the Convention deals with living, constantly re-created heritage. The Convention seeks to avoid the creation of hierarchies between elements based on external judgments of authenticity, integrity, age or originality. The Convention especially wishes to avoid a situation in which outside experts or professional performers, rather than the communities and groups who consider that element as part of their cultural heritage, make judgments on the right way to perform or enact a particular element.

### Respect

**Respect** for intangible cultural heritage entails understanding its importance and value in its cultural context and appreciating its role in the community concerned. Encouraging mutual respect for each other’s ICH is one of the objectives of the Convention.

### Safeguarding measures

**Safeguarding measures** are actions intended to ensure the continued viability of an ICH element, or of a set of elements, that are threatened in some way. Members of the communities and groups concerned often initiate safeguarding measures; government ministries, local authorities, NGOs, institutions and/or researchers may also initiate them. They should not be developed or implemented without the widest possible participation of the communities, groups or individuals concerned. The desired effect of any safeguarding measure should be to encourage the continued enactment and transmission of the element, as far as possible within the original context of the community or group concerned.

Safeguarding does not necessarily require outsider intervention, or even financial assistance to the communities concerned. Where resources are required for safeguarding, it may be necessary to prioritize the threats and risks to be addressed in through safeguarding measures.

Article 2.3 of the Convention mentions several possible safeguarding measures, these include the following:

### Safeguarding measures: Transmission

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

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

### Safeguarding measures: Revitalization

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

### Safeguarding measures: Identification, Definition, Inventorying, Documentation, Research

Under the Intangible Heritage Convention, **identification** of an ICH element means naming it and briefly describing its own context and distinguishing it from others. If identifying offers a brief description of an ICH element, **definition** of it provides a fuller description at a specific point in time. Identification and definition of ICH should be done with the participation of the communities, groups or individuals concerned.

**Inventorying** involves collecting and presenting information on ICH elements in a systematic way. An inventory can be disseminated as a paper list, a multimedia database or another type of publication. Inventorying should be done with the consent of the communities or groups concerned. It should be preceded by the identification and definition of the elements concerned – again, in close cooperation with the communities, groups and – if appropriate – individuals concerned. States Parties may organize ICH inventories in whatever manner seems most appropriate to them. Inventories may have various goals; contributing to safeguarding and awareness raising are probably the most important of them. The Convention requires inventories to contribute to the safeguarding of elements on them, which suggests that the state of viability of the inventoried elements should be indicated.

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

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

For all these activities to be considered safeguarding measures, they have to be aimed at furthering the continued practice and transmission of ICH. Documentation or inventorying should not for example be used to establish one fixed authentic way of performing or enacting an element of ICH.

### Safeguarding measures: Preservation and Protection

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

**Protection** refers to deliberate measures—often taken by official bodies—to defend intangible heritage or particular elements from threats to its continued practice or enactment, perceived or actual.

### Safeguarding measures: Awareness-raising, Promotion, and Enhancement

**Awareness-raising** is a way of encouraging the parties concerned, including community members, to recognize the value of intangible heritage, to respect it and, if this is in their power, to take measures to ensure its viability.

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

# RAT 2.4 Lesson plan: Implementing the Convention at the national level

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| **Title of activity: Ratification 2.4 – Implementing the Convention at the national level** |
| Duration: 1.5 hours |
| Objective(s):  Establish understanding of obligations of States Parties and of other, recommended mechanisms for implementing the Convention at the national level, in particular how States Parties may ensure the identification, inventorying and safeguarding of the intangible heritage. |
| Description:   1. Presentation 2.4    * Safeguarding obligations as set out in the Convention.    * The legal and administrative context for safeguarding    * Awareness-raising    * Identifying, defining, inventorying    * Case study on approaches for safeguarding: Voladores |
| Supporting documents:   * Presentation 2.4 plus narrative * Hand-out 2.4.1 – inventorying * Hand-out 2.4.2 – safeguarding measures – examples |

Notes and suggestions:

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

Hand-out 2.4.1 ‘About Inventorying’ provides some practical information about inventory making that participants may read for themselves, before or after the session, and about which they may have questions. There will probably not be enough time to go through the hand-out in any detail. The hand-out presents general information about inventories (in the same way as the narratives with the slides of this session), questions that may help discussions during the preparation of an inventorying exercise and, finally, a suggestion for a questionnaire that might be used to elicit information about elements one wishes to include in an inventory – that model inventory can be adapted, used as a basis for discussions, or neglected.

Many different kinds of inventories of intangible heritage have already been initiated by States Parties to the Convention. References to these processes are available in the sheet on Additional Information. Some or all of these examples can be discussed briefly in the session: not all of them have to be covered.

Hand-out 2.4.2 ‘Examples of safeguarding measures’ details the main kinds of measures that can be used in safeguarding, and gives some examples. The Voladores case study at the end of the hand-out shows how safeguarding measures address threats and risks to the viability of the element.

# RAT 2.4 Presentation: Implementing the Convention at the national level

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# RAT 2.4 Narrative: Implementing the Convention at the national level

## Slide 1. Implementing the Convention at the national level

## Slide 2. In this presentation...

This presentation will cover the following issues:

* Obligations and recommendations for safeguarding
* Creating a legal and administrative context
* Awareness-raising
* Identifying, defining, inventorying ICH
* Safeguarding measures for specific elements

In the Convention one finds obligations and recommendations for safeguarding at the national level spelled out in in Articles 11 to 15; the Operational Directives provide more detailed recommendations, thereby especially covering Articles 13 to 15 of the Convention and underscoring the importance of the fullest possible participation of practitioners and tradition bearers (‘communities, groups and individuals’) in all activities concerning their ICH (OD 79 – 89).

## Slide 3. Safeguarding obligations

By ratifying it, States Parties to the Convention accept certain obligations concerning safeguarding ICH in their territory under the Convention.

The obligations are as follows:

* **Each State Party shall […]**
  + *take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory* (Article 11a);
  + (...) *identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.* (Article 11b);
  + *To ensure identification with a view to safeguarding, (...) draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated*. (Article 12).

## Slide 4. Safeguarding recommendations

The Convention makes certain strong recommendations about how States Parties may go about safeguarding ICH on the national level (see Articles 12-15 of the Convention); many of these recommendations are further developed in the Operational Directives.

States Parties should try to -

* Adopt general policies for safeguarding ICH, and mainstream it in planning programmes (Article 13.a, OD 105.d, f and g, OD 107);
* Ensure that there are institutions (‘one or more competent bodies’) that can assist in the execution of safeguarding policies, including training in the management and appropriate transmission of ICH, inventory making and capacity building, and in the implementation of concrete safeguarding activities (Article 13.b, 13.d.i, OD 80, OD 83);
* Foster research: encourage different types of ICH-related studies (scientific, technical, legal, economic) (Article 13.c, OD 105.b and c, OD 107.k);
* Establish / designate documentation institutions that will collect available documentation on the ICH, and assist in collecting more of it, while guaranteeing that traditional practices and wishes of the communities and groups concerned are respected (Article 13.d.iii, OD 85);
* To cooperate with other States Parties on the regional and sub-regional level (Article 19.2, OD 86, 87, 88);
* Ensure appropriate access to the ICH: make information about the ICH easily accessible within the country to raise awareness about its value and diversity, while respecting the wishes and customary practices of the practitioners and other tradition bearers concerned (Article 13.d.ii, 1.c, OD 85, OD 105, OD 107.b);
* Ensure respect for the ICH practised in the country (Article 14.a, 1.b, OD 105); and
* Ensure community participation: take into account and protect the interests and wishes of the tradition bearers and practitioners who enact and transmit this ICH, keep them informed and involved in all matters that concern their ICH (Article 15; OD 79-89). This includes facilitating their participation in consultative bodies and coordination mechanisms (OD 80), and ensuring their capacity building (OD 82).

## Slide 5. Safeguarding at the national level

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

* Creation of a legal, administrative and constitutional context to support the safeguarding of ICH;
* Awareness raising about the value of ICH to encourage respect and appreciation for it in general terms, both within and outside the communities concerned; accompanied by broad-scale capacity-building for safeguarding (in the first place within communities and NGOs);
* Identifying, defining and inventorying ICH elements within their territories to aid in safeguarding;
* Supporting specific measures to safeguard these ICH elements, with the participation and consent of the communities concerned, and with the assistance of any other relevant stakeholders.

## Slide 6. The legal and administrative context

Creating or adapting appropriate legislation for ICH safeguarding is not required before or after ratification of the Convention, but the Convention does recommend creating an enabling legal environment for safeguarding. Of course, some States Parties to the Convention have had legal systems in place for ICH safeguarding for decades. Providing a broad legal and administrative context for ICH safeguarding does not always involve formulating new policies and laws – where appropriate, existing legislation could be amended. And, of course, concrete safeguarding activities can quite easily start before the State amends its legislation: plenty of successful ICH safeguarding activities have been undertaken without a specific legal framework for ICH.

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| Japan’s Law for the Protection of Cultural Properties established a protection system for ICH at the national level as early as 1950. The Republic of Korea’s Cultural Heritage Protection Act introduced a Living Human Treasures program in 1962, which aimed at the recognition as well as transmission of ICH. |
| It is important to consider where the broader legislative environment, too, could enable ICH safeguarding. In some countries, intellectual property legislation has been amended to enable communities to protect their IP rights over their ICH. Changes in tax laws could encourage people to hand down valuable traditional musical instruments or costumes to young practitioners for their continued use in ICH practices, rather than selling them to avoid inheritance tax.  Paradoxically, in some cases legislation may also hinder ICH performance or enactment: communities should be left as free as possible to decide when and how they want to enact their ICH – they should be allowed to remain in control of their ICH, as long as their practices and expressions are respectful of, for instance, human rights and the requirements of mutual respect. |

There are various tasks (such as inventorying and safeguarding, documentation, or capacity building) that States Parties to the Convention often wish to delegate to institutions at the national level (Article 13.b, 13d.i and iii), or at regional or local levels. Research institutions or NGOs, for example, may be requested to contribute to the inventorying process. In some cases, new institutions are set up.

The Operational Directives (OD 80) encourage States Parties to create a consultative body or coordination mechanism to facilitate community and expert participation in, among other things:

* + The identification and definition of ICH;
  + The drawing up (and updating) of inventories;
  + The elaboration and implementation of safeguarding programmes, projects and activities;
  + The preparation of nomination files for the Lists and the Register of the Convention (which will be discussed in the next session).

States Parties are under no obligation to create such a consultative or coordination body, but it is advisable for them to consider how the process of community participation will be managed. All safeguarding of ICH should be done with the ‘widest possible participation of [the people who] … create, maintain and transmit such heritage’ (Article 15). At various points in the implementation of the Convention (e.g. in periodic reports and in nomination files), States Parties are required to provide proof of such participation and consent.

## Slide 7. Awareness raising about the value of ICH

In Article 14, States Parties to the Convention are encouraged to ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society through educational, awareness-raising and information programmes. This can encourage mutual respect for each other’s ICH, and knowledge about the diversity and value of the ICH in the country.

Often, awareness raising is achieved through media campaigns and educational programmes. School curricula around the world increasingly include information about intangible heritage practices such as traditional knowledge, dance, music, and crafts, illustrating cultural diversity and teaching respect for other people and their practices, both nationally and internationally. Often this information is incorporated into science, history, geography, literature and language teaching. OD 108 stresses the importance of community centres and associations for transmission and awareness raising. OD 109 encourages research and other institutes to undertake awareness raising, with the involvement of the communities of tradition bearers.

Awareness raising can be achieved in different ways, see Hand-out 2.4.2.

Because safeguarding ICH is a recent discipline, it is necessary not only to raise awareness about increased possibilities to safeguard ICH, but also to set up training mechanisms on various levels for designing safeguarding measures and plans, and for executing them (Article 13.c, Article 14.a.ii and iii, OD 82, OD 107, OD 155.c). Such training is required for community representatives and for NGOs, but also for researchers and scholars who up till now have been studying ICH practices and expressions for a variety of reasons, but usually not for assisting communities in safeguarding them. For them, working within the framework of this Convention means a change in thinking, working differently with communities, and developing new approaches enabling compromises between the views of the community, their own views and – often – budgetary, political or administrative constraints.

## Slide 8. Identifying, defining and inventorying (1)

In their Glossary (Hand-out 2.3) participants will see the following description of inventorying:

Inventorying involves collecting and presenting information on ICH elements in a systematic way. An inventory can be disseminated as a paper list, a multimedia database or another type of publication. Inventorying should be done with the participation of the communities or groups concerned. It should be preceded by the identification and definition of the elements concerned – again, in close cooperation with communities, groups and – if appropriate – individuals concerned. States Parties may organize ICH inventories in whatever manner seems most appropriate to them.

**Identifying**, **defining** and **inventory making** are mentioned in Articles 11 and 12 of the Convention, while ‘identification’ also figures in the non-exhaustive list of safeguarding measures provided in Article 2.3. Article 2.1 says that in order to qualify as ICH under the Convention ICH expressions and practices have to be **recognized** by the communities, groups and individuals concerned as belonging to their heritage.

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| Article 11b of the Convention (...) ‘each State Party shall identify and define the ICH present in their territory, with the participation of communities, groups and relevant non-governmental organizations’.  Article 12.1 of the Convention: ‘To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories should be regularly updated’. |

Inventorying is discussed in some detail in Hand-out 2.4.1.

Identifying and inventorying the ICH is an obligation of States Parties to the Convention (Article 11.b). In order to be able to safeguard the intangible heritage of a community or group (or a specific ICH element) – and, indeed to determine priorities - one first needs to establish what elements there are, which ones of them are threatened and which of those might be safeguarded. Identifying and defining ICH elements have to be done with the consent and involvement of the communities concerned, and any other relevant stakeholders. Inclusion on an inventory is also a prerequisite for nominating elements to the Lists of the Convention – as will be seen in session 2.5.

## Slide 9. Identifying, defining and inventorying (2)

The slide reminds participants that:

* Inventorying identifies ICH in the territory of the State Party;
* With the participation of communities and NGOs;
* With a view to safeguarding;
* Always respecting customary practices governing access;
* And that inventorying is not just about building lists, but building relationships for safeguarding.

Inventories may have various goals: contributing to safeguarding and awareness raising are probably the most important of them. The Convention requires inventories to contribute to the safeguarding of elements on them, which suggests that the state of viability of the inventories elements should be indicated.

Inventories are outcomes of processes of consultation and debate that may lead to a further process of safeguarding some of the inventoried elements. An inventory is always work-in-progress because new elements need to be added and existing entries updated; elements that have ceased to be practised may also be removed from inventories. The process of inventorying ideally builds good relationships between the communities concerned and various other stakeholders.

The Convention emphasizes that measures undertaken by the state to safeguard ICH, including inventorying, should ensure respect for customary restrictions on access to the element (Article 13.d.ii). This is not particularly difficult to implement if the communities or groups concerned are in control of the management of their ICH; then they may see to it that their customs concerning access are respected when regulations are developed for access to written and audio-visual documentation of their ICH and to information figuring in inventories.

The Australian Institute of Aboriginal and Torres Strait Islander Studies, for example, enforces provisions for confidentiality and access in their intangible heritage databases: <http://www.aiatsis.gov.au/collections/overview.html>

## Slide 10. Examples of inventories

The Convention requires States Parties to inventory the ICH in their territory but very deliberately does not tell them how to do that: they may organize inventories in whatever manner seems most appropriate to their situation. They may present their ICH in several inventories, or in just one.

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

Inventorying projects can have different budgets, processes of data collection, frames of reference and purposes. The scope and size of an inventory may vary considerably depending on its purpose, the budget available and the method of data collection.

* + An intangible heritage inventory may include information on associated tangible heritage. In some cases the inventorying process covers both tangible and intangible heritage of a community or region.
  + Some ICH inventories seek to be comprehensive, while others aim for a representative sample.
  + Some inventorying processes start with the communities concerned, others are expert-led, but in all cases the Convention requires the widest possible participation of the communities concerned.
  + ICH inventories may cover a whole country, or part of it (regions, provinces, federal states); they may focus on one or more communities, or focus on a single domain of intangible heritage
  + Inventoried elements can be categorized by region (national or local), by community, domain (such as performing arts), or using a classification system developed nationally, by expert advisers or community representatives.

The criteria for including elements in an inventory should be clear and transparent. A relatively uniform level of detail should be provided for all elements, sufficient detail should be provided. It is against the spirit of the Convention to create hierarchies between elements on an inventory, or between inventoried and non-inventoried elements.

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| Some inventories are very large and detailed. In **Venezuela**, a community-driven inventorying process has documented both tangible and intangible heritage of value to local people. The data were gathered in 335 municipalities using questionnaires administered by existing networks of cultural workers, students and teachers, assisted by teams of volunteers. Short descriptions of more than 80 000 cultural expressions were published in over 200 volumes. The inventory is used as a cultural and educational tool in formulating development policies. |
| Other inventories are smaller, and more selective. In **Brazil**, an institute called IPHAN (National Institute of Historic and Artistic Heritage), staffed by anthropologists and other experts, and itself part of the Ministry of Culture, develops and maintains inventories of tangible and intangible heritage. These inventories are called the Historical Registry, Fine Arts Registry, Archaeological Registry, Ethnographic and Scenic Registry, Applied Arts Registry, Registry of Ways of Knowing, Registry of Celebrations, Registry of Forms of Expression, and Registry of Places. Each of these registries contain extensive information about limited numbers of elements. The National Registry and Inventory of ICH, elaborated by IPHAN are, however, the top of an iceberg: Brazil also inventories nation-wide, state by state and coordinated by IPHAN, the ICH of its communities, in a less intensive way. |
| In **Bulgaria**, an inventorying project was conducted in 2001 and 2002, based on a questionnaire sent to communities through administrative channels and through the network of local culture and community centres, and then analysed by experts. The main criteria for including an element in the inventory were authenticity, representativeness, artistic value, vitality, and rootedness in tradition.[[2]](#footnote-2) A first version of the inventory was placed online for public comment before publication. The inventory was divided into national and regional lists. Intangible heritage domains used in the inventory included traditional rites and feasts, traditional singing and music playing, traditional dancing and children’s games, traditional narration, traditional crafts and traditional medicine. |
| **China**’s inventorying project, between 2005 and 2009, identified 870,000 items of intangible cultural heritage in the country. China has national, provincial, county and municipal lists of ICH under development. The first two intangible heritage lists had 1028 items in total, and there are 349 recommended items on the 3rd national list currently undergoing public review. Intangible heritage is categorized on the national lists as follows: folk literature, folk music, folk dance, traditional drama, oral traditions (quyi), acrobatics and contests of skill, folk arts, handicraft skills, traditional medicine and folk customs. There is a strong focus on protecting intangible cultural heritage in a ‘scientific’ way so much emphasis has been placed on the role of institutions and experts' committees at both national and local levels. |
| In **Fiji** a cultural mapping program was initiated in 2004. The program aims at the identification and recognition of custodians of indigenous knowledge; research and documentation of Fijian culture and the creation of a database; and the inventorying of intangible cultural heritage in need of safeguarding. |
| Another approach, taken by **France**, has been to create inventories by bringing together existing lists of intangible heritage that were drawn up for different purposes and in different periods. |

Not all countries where intangible heritage inventories are currently being compiled are States Parties to the Convention. Cultural mapping and inventorying projects are undertaken in all parts of the world for different reasons.

In **Canada**, for example, the Government of Newfoundland and Labrador has included the preservation of ICH as a key initiative in its Provincial Strategic Culture Plan. Aided by NGOs such as the Heritage Foundation of Newfoundland and Labrador, they are documenting their intangible heritage.

## Slide 11. Safeguarding the ICH

The fourth major category of interventions distinguished above (see slide 5) is the implementation of specific safeguarding measures for specific elements.

* Safeguarding involves supporting communities, groups and individuals to ensure continued practice and transmission of their ICH, or elements thereof;
* Safeguarding measures may address threats and possible future risks to the viability of one or more specific elements.
* Safeguarding measures may be quite specific or more general. Some safeguarding measures may safeguard ICH in general, or all of the ICH of a region or community, rather than focusing on the viability of one specific element.

Article 2.3 presents a non-exhaustive list of safeguarding measures; these measures are explained in the Glossary.

The participants can best understand possible processes of safeguarding and possible roles of different stakeholders through examples (other examples are provided in Hand-out 2.4.2).

Essentially, however, the development of any safeguarding measures has to be based on an analysis of threats (and risks) to the enactment and/or transmission of the element(s) concerned and from the very beginning the community, group of individuals concerned should fully participate. Without their commitment and involvement no safeguarding measure can be a success: at the end of the day it is they who need to continue both the enactment and the transmission of the element, not the NGO, the researchers or the civil servants that in one way or another may be involved in developing safeguarding activities.

## Slide 12. The Voladores ceremony

This element was inscribed on the Representative List in 2009.

Mesoamerican communities and groups living over a wide area in Middle America once practised the Ritual Ceremony of the Voladores (‘flying people’), a ritual with pre-colonial origins. Today its occurrence is mainly limited to the region of the Totonac in Mexico. If the full traditional ritual is performed, in preparation for the ceremony itself a tree is cut down, transported, ritually prepared and erected in a central area. Preparatory rituals, including offerings to Mother Earth, are performed to help establish connections between the natural and supernatural world. Those who will participate in the ceremony undergo physical and spiritual preparation.

During the ceremony, five men climb the pole, which is 18 to 38 meters high. While one of them dances at the top playing the flute and drum, the others swing from the pole on ropes, turning around the pole and mimicking flight. Although there are many variations to the ceremony, it was, and often still is, in essence, a ritual to establish communion with the gods and ensure the fertility of the earth. It is therefore held during various celebrations and festivities, such as patron saint festivities, carnivals, solstices and equinoxes, festivities surrounding the Day of the Dead, and in ceremonies associated with the sowing and harvesting of crops.

The element is quite vibrant, but like much ICH faces various threats. It is currently threatened by, among other things:

* Often the ceremony is performed only partially (for tourists),
* Loss of the ritual and spiritual dimensions of the ceremony, and
* Declining availability of trees for wooden poles

More information about the element can be found in the nomination file and on Wikipedia, as well as in Hand-out 2.4.2:

<http://www.unesco.org/culture/ich/index.php?pg=00011&RL=00175>

<http://en.wikipedia.org/wiki/Danza_de_los_Voladores_de_Papantla>

## Slide 13. Threats to viability – 1

The flight of the Voladores around the pole is the climax of the ceremony and in performances for tourists only this part of the ceremony is enacted, as an acrobatic spectacle. The ceremony is thus now often shortened, and presented outside the traditional community setting and calendar.

## Slide 14. Threats to viability – 2

Ritual preparations before the ceremony ensure it has deeper spiritual associations for the community concerned, creating connections between the natural and supernatural world so the participants may establish communion with the gods and ensure the fertility of the earth. Because the ceremony is becoming commercialized, the observance of these rituals is decreasing, especially among groups of professional ‘flyers’ who have not undergone the proper training as Voladores.

## Slide 15. Threats to viability – 3

Poles for the ceremony need to be cut down in the forest and ritually prepared and erected in order to establish communion with the gods and ensure the fertility of the earth. Unfortunately, due to deforestation the special tree that was formerly used for the poles is often not widely available and fixed metal poles are used instead. This results in loss of some of the ritual dimensions of the ceremony, and affects its significance to the local community.

## Slide 16. Voladores safeguarding measures

As in any good safeguarding strategy, the Totonac communities and Voladores groups concerned have played an important role in formulating and implementing safeguarding measures to address these threats. Meetings of Voladores have been convened with the help of local government and NGOs to discuss problems and formulate on-going strategies to resolve them. The safeguarding project has benefited from strong state and NGO support.

Safeguarding measures include:

* Creating more opportunities for performing the entire ceremony including ritual dimensions
* Schools for Volador Children promoting transmission of knowledge & skills including ritual dimensions
* Reforestation programmes

The Voladores groups were very clear about the need for creating more opportunities to perform the entire ceremony, including the necessary ritual preparations. Schools for Volador Children have been established to teach the full significance of the ritual, and promote transmission of knowledge within the Voladores groups. To ensure the availability of wooden poles, government in collaboration has implemented reforestation programs with local Voladores communities, and forest reserves have been proclaimed in some areas.

## Slide 17. Points to remember

* States Parties are obliged to safeguard the ICH on their territory with the participation of the communities concerned.
* States Parties are obliged to identify and inventory the ICH on their territory with the participation of the communities concerned.

Remind participants that each State Party will find its own ways of safeguarding its ICH; cooperation with other States Parties and exchange of experiences, proves to be useful; the Intergovernmental Committee is identifying best safeguarding practices

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

States Parties, especially if they are developing states, may apply for financial (‘international’) assistance for inventorying, awareness raising and safeguarding activities, among other things.

# RAT 2.4.1 Hand-out: About Inventorying Intangible Heritage

Each State Party is required by the Intangible Heritage Convention (Article 12) to draw up one or more inventories of the ICH present in its territory *in a manner geared to its own situation.* This gives them considerable leeway, but States Parties must try and ensure the widest possible participation of communities, groups and individuals concerned in the inventorying process (Article 11.b, Article 15, OD 80).

The Convention and the ODs stipulate that inventories:

* Should only present elements defined and identified with the participation of the communities and groups concerned and relevant NGOs;
* Should be designed in such a way that they may contribute to safeguarding;
* Should ultimately try to cover all ICH present in the territory of the State Party concerned;
* Should be developed in such a way that they can be easily updated;
* Should not violate customary practices concerning access to the ICH, and any associated places, persons and materials; and
* Should not include information on an element without the consent of the community, group or individual concerned.

Inventorying is an important step towards safeguarding and, in some cases, towards nomination to the Lists of the Convention. Only ICH elements that already figure in an inventory of the State Party concerned may be nominated to the Lists of the Convention.

Inventories drawn up by States Parties do not have to use the same definition of ICH as the Convention. However, any elements later nominated to one of the Convention’s Lists will have to comply with that definition and the other inscription criteria laid down in the Operational Directives of the Convention (OD 1-2). Many states that started inventorying their ICH after the adoption in 2003 of the Intangible Heritage Convention did use the Convention’s definition of ICH and were inspired by the list of domains in the Convention (Article 2).

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

Inventorying is not a simple listing of intangible heritage elements, although the information provided in an inventory may in fact be quite limited. It is a process that raises awareness, identifies elements with impaired viability and that may lead to safeguarding. It can also be used to establish relationships between communities and other stakeholders who may be involved in later safeguarding efforts. Inventorying may boost the sense of identity and continuity of the communities concerned and will certainly create greater awareness about ICH both within and outside of these communities.

Various questions will have to be considered about how inventorying will be organized and managed in a specific country (some of these questions are not easily answered!):

* Will there be one or more than one inventory?
* If so, what will be the relationship between different inventories?
* How will inventories be set up – by administrative entity, by community, by domain, or according to other criteria? If there is more than one inventory, will they be set up along similar lines, or not?
* Will the exercise have other purposes in addition to those indicated in the Intangible Heritage Convention?
* How will the exercise be financed, as it will be an on-going project in most states?
* Who will develop the questionnaire, or questionnaires for the inventories? (a model for such a questionnaire is presented below)
* What information will be collected on the elements?
* What definition of ICH will be used?
* What system of domains or categories will be used?
* Who will collect the information?
* How will relevant communities and/or groups be identified?
* How will relevant communities be informed about and involved in the data collection?
* (How) will relevant non-governmental organizations and institutions be involved in the exercise?
* Who will control the input of data onto the inventory/inventories?
* Who will control access to the data collected?
* How will sensitive data be managed to ensure respect for customary restrictions on access?
* How will elements that are shared by more than one community be dealt with?
* How will elements that also are found outside the country be dealt with?
* How will inventories be published or disseminated?
* How will updating be organized?

### Model questionnaire for identifying ICH elements, in view of the elaboration of one or more inventories. [[3]](#footnote-3)

|  |
| --- |
| Identification of the ICH element |
| 1.1. Name of the ICH element, as used by the community concerned |
|  |
| 1.2. Short, informative title of the ICH element (including indication of the ICH domain(s) concerned) |
|  |
| 1.3. Community(ies) concerned **(see comment below)** |
|  |
| 1.4. Physical location(s)/distribution frequency of enactment of the ICH element **(see comment below)** |
|  |
| 1.5 Short description of the ICH element |
|  |
| 2. Characteristics of the ICH element |
| 2.1. Practitioners(s)/performer(s) directly involved in the enactment or practice of the ICH element (include name, age, gender, professional category, etc.) |
|  |
| 2.2. Other people in the community who are less directly involved, but who contribute to or facilitate its practice or transmission (e.g. preparing stages, costumes, training, supervising) |
|  |
| 2.3. Language(s) or language register(s) involved |
|  |
| 2.4. Tangible elements (such as instruments, specific clothing or space(s), ritual objects) (if any) associated with the enactment or transmission of the ICH element |
|  |
| 2.5. Other intangible elements (if any) associated with the enactment or transmission of the ICH element |
|  |
| 2.6. Customary practices (if any) governing access to the ICH element or to aspects of it **(see comment below)** |
|  |
| 2.7. Modes of transmission to others in the community |
|  |
| 2.8. Relevant organizations (community organizations, NGOs, others) (if any) |
|  |
| 3. State of the ICH element: viability (see comment below) |
| 3.1. Threats (if any) to the continued enactment of the ICH element within the relevant community/ies |
|  |
| 3.2. Threats (if any) to the continued transmission of the ICH element within the relevant community/ies |
|  |
| 3.3. Threats to the sustainability of access to tangible elements and resources (if any) associated with the ICH element |
|  |
| 3.4. Viability of other intangible heritage elements (if any) associated with the ICH element |
|  |
| 3.5. Safeguarding or other measures in place (if any) to address any of these threats and encourage future enactment and transmission of the ICH element |
|  |
| 4. Data restrictions and permissions |
| 4.1. Consent from and involvement of the community/ies concerned in data gathering |
|  |
| 4.2. Restrictions, if any, on the use of or access to collected data |
|  |
| 4.3. Resource person(s): name and status or affiliation |
|  |
| 4.4. Date(s) and place(s) of data gathering |
|  |
| 5. References concerning the ICH element (if any) (see comment below) |
| 5.1. Literature (if any) |
|  |
| 5.2. Audio-visual materials, recordings etc. in archives, museums and private collections (if any) |
|  |
| 5.3. Documentary material and objects in archives, museums and private collections (if any) |
|  |
| 6. Inventorying data |
| 6.1. Person(s) who compiled the inventory entry |
|  |
| 6.2. Proof of consent of the community/ies concerned for (a) inventorying the element and (b) for the information to be provided in the inventory |
|  |
| 6.3. Date of entering the data into the inventory |
|  |

### Comments and clarifications

#### Point 1.1 and 1.3: The community concerned

‘The **community** concerned’ is the group of people that recognize the ICH element as part of their cultural heritage. Sometimes the group in question may be very large: France indicated that all French people constitute the community of bearers of the ‘gastronomic meal of the French’ (inscribed on the Representative List in 2010). The element may be part of a larger set of ICH expressions with which a community identifies themselves but in which not all members of the community are necessarily actively involved. There may be a limited group of individuals who are active in enacting and transmitting a specific element, while the other members of the community identify with the element and participate as a knowledgeable and appreciative audience.

The Convention does not define the concept of ‘community’. Those who prepared the Convention agreed that one person may belong to more than one ICH community and also that persons during their lifetime may join different communities, or leave a community. One and the same person, for instance, may associate him or herself with a national community, a regional community, an ethno-linguistic community and, for instance, a supra-national religious community, or with a group of people who are involved in the practice of one or more ICH elements.

#### Point 1.4: Distribution

Please indicate here where the practice or expression is enacted and transmitted. ICH elements may be associated with one specific location: the Belgian carnival of Binche, inscribed on the Representative List in 2008, for instance, is limited to the town of Binche. In other cases, the geographical area is much broader: the Mongolian tradition of telling the ‘Long story’ (inscribed on the Representative List in 2008) is practised over all Mongolian speaking areas in Mongolia itself and in neighbouring China, for example.

#### Point 2.6: Customary practices governing access to the element

It often happens that, traditionally, a specific practice or expression cannot be performed or attended by just anyone. Often, too, specific roles are reserved for men, women, older people or people with a specific background. It may also happen that that are restrictions as to who may be part of the audience. The Convention wishes such restrictions to be respected, if that is the wish of the communities concerned (sometimes in safeguarding projects community members propose, and the community at large accepts, that specific roles can be fulfilled by other categories of persons than was traditionally the case.

Article 13.d.ii of the Convention requests States Parties to take measures that aim at ‘*ensuring access to the ICH while respecting customary practices governing access to specific aspects of that heritage*’. So, if ICH practices that cannot be attended by everyone (for instance, not by men), are recorded or documented, there has to be a discussion with the communities and groups concerned about whether recordings can be made accessible or shown in places that are open to all. Recordings can of course only be made with the explicit prior and informed consent of the tradition-bearers concerned.

#### Section 3: Viability

Viability refers to the likelihood that the ICH element will be practised in the future; threats to its viability include anything that may prevent its enactment or transmission.

#### Section 5: References

Inventorying is about identifying and defining ICH; it is different from documentation or research. For insertion in an inventory no extensive research or documentation is required. If versions of the element were already recorded, studied or otherwise written about, then information is welcome and section 5 is the place to indicate the appropriate references. This is also the place to indicate the existence of collection of objects or instruments that are associated with *living* ICH expressions or practices.

# RAT 2.4.2 Hand-out: Examples of safeguarding measures

The development and implementation of safeguarding measures for ICH elements is a process that should be tackled with the active participation and consent of the communities, groups and individuals concerned. It is their heritage and they, eventually, are supposed to continue enacting and transmitting the elements of their heritage for which safeguarding activities will be mounted. Ideally, therefore, the communities concerned should lead most safeguarding actions, with other agencies playing a supporting role.

Broad safeguarding measures at the national level may include awareness raising about the importance and diversity of ICH in the territory of a state, and in the world more generally.

Safeguarding measures will be specific to each ICH element, or group of ICH elements, addressing specific threats to viability. Where several safeguarding measures are proposed, it will be necessary to prioritize them, as unlimited budgets for safeguarding are not generally available. Much can be achieved by the implementation of a single well-designed safeguarding measure, however, and safeguarding measures need not always be expensive to implement. Where a series of safeguarding measures are proposed or implemented, they need to form a coherent plan. The impact of safeguarding cannot always be predicted and thus needs to be constantly assessed together with the communities concerned; safeguarding measures may need regular adjustment and review.

The examples of safeguarding measures listed below are intended to give an overview of the kinds of measures that have been implemented in safeguarding projects to date. Not all of them will be appropriate to every ICH element, and all will need to be adapted to the specific circumstances of ICH elements in need of safeguarding.

A large number of safeguarding projects executed under the responsibility of UNESCO can be found at <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00176>

## Inventorying, research and documentation

Possible activities include:

* Encouraging young people – and others - from the communities concerned to document one or more ICH elements, sometimes by interviewing older people in the community.
* Holding meetings for information exchanges within the communities concerned about their ICH or one or more elements thereof.
* Organizingseminars and workshops for exchanges between the communities concerned and outside researchers.
* Helping the communities concerned inventory their ICH.
* Helping the communities concerned manage an archive of information about their ICH or about one or more elements thereof.
* Helping the communities concerned have access to existing archived information about their ICH that was compiled by others.
* Helping communities to use existing documentation and recordings for safeguarding purposes.

**Example:** In the late 1990s, the Austrian Academy of Sciences in Vienna collaborated with the Institute of Papua New Guinea Studies to make music, storytelling and other linguistic material recorded in Papua New Guinea in the early 1900s available to institutions and cultural centres in Papua New Guinea today. Public awareness of the availability of the material was promoted through local newspapers and radio stations. Some of the recordings documented ceremonial songs that were no longer performed – prohibited by missionaries or replaced by ceremonies from neighbouring groups. Today, these traditions are only remembered in a very fragmentary form. Local performance groups are thus using the recordings to stimulate village elders to recall performance practices of their youth, which can then be passed on to younger generations. Without these recorded examples as a starting point, such revitalizations efforts are almost impossible.[[4]](#footnote-4)

**Example:** In Fiji a cultural mapping program was initiated in 2004 by the Department of Fijian Language and Culture under the Ministry of Indigenous Affairs, and implemented through the Institute of iTaukei Language and Culture. The program aims to map traditional knowledge and expressions of culture of all communities across all of Fiji’s fourteen provinces, with a strong emphasis on the culture and traditions of the indigenous people. Among other things, the program aims at the identification and recognition of custodians of indigenous knowledge; research and documentation of Fijian culture and the creation of a database; and the inventorying of intangible cultural heritage in need of safeguarding.[[5]](#footnote-5)

## Encouraging continued enactment and transmission of ICH

Possible activities include:

* Supporting key practitioners to transmit ICH elements to others in the community concerned, e.g. through Living Human Treasures programmes.
* Encouraging traditional contests and competitions where these were used in the past as vehicles for enactment and transmission of ICH.
* Encouraging the establishment of community-based organizations to promote enactment and transmission of their ICH, and/or actively engage in safeguarding.
* Ensuring the conditions for continued practice and transmission are met, e.g. through the continued availability of sufficient raw materials, performance spaces, instruments or tools.
* Raising awareness about the value of their ICH among the community concerned, especially among its younger members.
* Provision of education and training to community members to ensure the skills are in place for continued practise of one or more ICH elements in cases where traditional methods of transmission are no longer sufficient to guarantee its viability.
* Organizing meetings of communities and groups concerned to discuss safeguarding strategies.
* Funding of good community-initiated safeguarding projects.

**Example:** Batik is a method of cloth dyeing common in Indonesia, inscribed on the Representative List in 2009. In making batik cloth, craftspeople draw designs on fabric using dots and lines of hot wax, which resists vegetable and other dyes and therefore allows selective colouring of the cloth. Individuals skilled in batik making have been identified with a view to declaring them as National Treasures. In 2008, the Indonesian Batik Community Forum was established to facilitate communication and collaboration among batik community members for its safeguarding. Specialized pens are needed to make the cloth. The Batik Museum Institute will therefore carry out a training programme teaching the making of *canthing tulis* pens and *canthing cap* stamps, tools necessary to make Batik cloth, as the knowledge of how to make them has now become endangered.[[6]](#footnote-6)

## Balancing risks and benefits of promotion and safeguarding

Possible activities include:

* Developing policies at various levels of governance on appropriate and sustainable development and tourism approaches.
* Monitoring and evaluating the effects on the viability of the ICH element of safeguarding activities, including awareness-raising, the effects of the inscription of the element on a List of the Convention, and the effects of tourism and other development initiatives.
* Taking remedial action if safeguarding and development activities pose new threats to the viability of the element.

**Example:** Koutammakou, a cultural landscape located in the North of Togo and Benin, is the home of the Batammariba. Their houses, the *takyièntas,* with walls and towers made of earthare a remarkable example of a traditional settlement system. These houses are closely linked to their rituals, traditions and expressions as well as with the natural environment. The Batammariba live according to traditional rules that define some ceremonial spaces, springs, rocks, sacred wooded areas or sites for certain cultural practices, such as initiation ceremonies.

Inscription of the Koutammakou on the World Heritage List in 2004 brought about many changes. Large numbers of tourists started visiting Koutammakou and disrupting the way of life of the Batammariba people. In 2007, UNESCO started a two-year pilot project to safeguard their intangible cultural heritage with the participation of the Batammariba community and Togolese Ministries.

One of the main aims of the project is to promote sustainable tourism that respects local traditions. A selected number of Batammariba have been trained to become tourist guides, welcoming visitors, leading them through their village and explaining their culture. Sacred places in each Koutammakou village have been mapped out, providing information to help guides prevent tourists from loitering in sacred sites. A model *takyiènta* has been built for tourists to learn about the Batammariba’s environment without disrupting village life. A code of behaviour that conforms to cultural rules in Koutammakou is now available to tourists, researchers and those wanting to make films on the Batammariba.

## Creating an enabling legal and administrative environment for safeguarding

Possible activities include:

* Developing and implementing policies, legislation and regulations to safeguard ICH.
* Amending or developing legislation in the areas of intellectual property, tax, tourism and other areas to help communities continue to practise and transmit their ICH.
* Creating new institutions to aid in inventorying, safeguarding, research and capacity building, or expanding the remit of existing institutions.

**Example:** Countries like Japan and the Republic of Korea passed national legislation protecting intangible heritage in the 1950s and 1960s. Other countries have passed national legislation more recently. For example, Mongolia passed a Law on Culture and a State Policy on Culture in 1996, and a Law on the Protection of the Cultural Heritage in 2001. Each of these laws contains a special section on the protection of intangible cultural heritage.

Mongolia also set up institutions for the inventorying of the ICH. In 1998, the National Centre for Intangible Cultural Heritage was founded by artists, and has since established a national database on ICH. In 1999, the government launched a ‘National Programme for the Support of Traditional Folk Arts 1999-2006, and various national festivals promoted ICH elements. The government is planning to establish a National Council for Identifying Intangible Cultural Heritage and its Bearers, to implement the Mongolian National Action Plan for ICH, and create a Living Treasures Programme.[[7]](#footnote-7)

Some policy directions can be developed at a regional level.

Although the Intangible Heritage Convention does not deal with intellectual property rights, many communities are concerned about the intellectual property implications of inventorying and promoting their ICH.

**Example:** In December 2009 the Pacific Islands Forum launched the Traditional Knowledge Action Plan to facilitate the protection of the intellectual property associated with traditional knowledge. The Plan supports domestic implementation efforts alongside regional efforts for the ‘protection of ownership rights and the effective commercialization and economic use of traditional knowledge’. Its overarching purpose is ‘to provide an enabling environment for cultural industries to grow and contribute to economic development and improvement of livelihoods across the region’ and to thereby eradicate poverty in the region.[[8]](#footnote-8)

## Raising awareness about the value of ICH

Possible activities include:

* Providing information and audio-visual data about the to inform the general public.
* Promoting awareness about the role of ICH in fostering mutual understanding and respect.

**Example:** In India, the Indira Gandhi National Centre for the Arts (IGNCA), established in 1985, assists in awareness raising about India’s intangible heritage. Through workshops and seminars, it provides a national platform for dialogue between scholars, artists, policy makers and tradition bearers. One of the Centre’s major programs, undertaken in collaboration with the UNDP, uses multimedia computer technology to communicate information about cultural practices to the public. The Centre was also involved in inventorying, documentation and research about folk traditions around the ancient Sanskrit epic the Ramayana, and the development of awareness-raising campaigns among the communities concerned.[[9]](#footnote-9)

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

**Example:** UNESCO and the Colombian Government launched a nationwide campaign in 2002 to alert communities, civil society and scientific and governmental institutions about the importance of safeguarding Colombia’s intangible heritage. They wished to involve the general public and other stakeholders in ICH safeguarding actions and to raise support for ICH protection among policy-makers and elected officials. Activities included:

* Establishing the Intangible Heritage Committee (2004), an advisory body to Colombia’s Ministry of Culture for the formulation of policies and the elaboration of criteria for inscription on national lists;
* Organizing the First National Encounter for ICH in Medellín (September 2005), which led to the establishment of national networks and encouraged political decision-makers to support the ratification of the Convention.
* Implementing a media campaign based on the theme ‘Show Who You Are’ to raise awareness, especially among Colombian youth, on the importance of maintaining Colombia’s cultural diversity.
* Organizing five regional seminars to encourage communities, cultural agents, indigenous groups, and education and communication professionals to actively engage in safeguarding measures.[[10]](#footnote-10)

## Case study: Safeguarding the Ritual Ceremony of the Voladores

Safeguarding measures of different types are found in the nomination file for the Ritual Ceremony of the Voladores, an example introduced during session 2.4. In this case study we show how safeguarding measures are drawn up with the participation of the communities, groups and individuals concerned, and how they address threats and risks to the viability of the element:

### Voladores: Description of the element

The Ritual Ceremony of the Voladores (‘flying people’) was once practised by various Mesoamerican communities and groups over a wide area in Middle America. Today it is still practised by the Totonac in Mexico. In the Totonacapan region there are 33 groups of registered Voladores, 3 Voladores Schools for Children, 3 Associations of Voladores, and about 500 identified Voladores.

In preparation for the ceremony itself – if the full traditional ritual is performed – a tree is cut down, transported, ritually prepared and erected in a central area. Preparatory rituals, including offerings to Mother Earth, are performed and those who will participate in the ceremony undergo physical and spiritual preparation. During the ceremony, five men climb the pole, which is 18 to 38 meters high. While one of them dances at the top playing the flute and drum, the others swing from the pole on ropes, turning around the pole and mimicking flight. Although there are many variations to the ceremony, it was, and often still is, in essence, a ritual to establish communion with the gods and ensure the fertility of the earth. Itis therefore held during various celebrations and festivities, such as patron saint festivities, carnivals, solstices and equinoxes, festivities surrounding the Day of the Dead, and in ceremonies associated with the sowing and harvesting of crops. The most spectacular part of the tradition, flying around the pole, is also often presented outside the traditional community setting, increasingly by groups of professional Voladores using permanently erected steel poles.

### Voladores: Viability

The ceremony is still regularly practised and the requisite skills continue to be transmitted to Volador children. In spite of massive migration out of the region, the Totonac community is very eager to preserve this tradition. The older Voladores in the community are unhappy that many ceremonies are now performed for tourists in a truncated form, omitting the cutting, selection and ritual preparation of the pole and the ritual preparations of the ‘flyers’. The Council of the Totonacapan region has supported the creation of various associations of Voladores and schools for Volador Children to aid in transmission.

### Voladores: Threats to viability

**Declining availability of wooden poles:** The pole used in the ceremony has traditionally been made from the tsakáe kiwi tree. Deforestation in the region, caused by extensive cattle grazing, has led to a decline in the availability of the tree. In many places fixed metal poles are being used instead. The use of fixed metal poles affects the meaning of the ritual.

**Loss of the ritual and spiritual dimensions of the ceremony:** Although the full Ritual Ceremony of the Voladores is supposed to take place at specific times of the year and at special occasions, the flight stage of the Ceremony is now performed at any time, as an acrobatic act for tourist audiences. Performing only the spectacular flight stage, isolated from its ritual context, could underplay its spiritual dimension and lead to a shallow appreciation of it as commercial or recreational.

**Insufficient information available about the ceremony:** Young people who live in the area lack good information on the ceremony and its function within their communities. In addition, many young people are migrating elsewhere. Those who remain need to be encouraged to support the ceremony, appreciate its value and function within the community, and learn to participate in it as audience members and performers.

### Voladores: Previous safeguarding measures

Associations of Voladores have been communicating with each other and with government officials, discussing the problems they face and possible solutions, to help safeguard the ceremony. The Centre for Indigenous Arts, established as a result of government investment in the region, promotes Totonac culture. The Centre for Indigenous Arts started a School for Volador Children in Papantla to teach the full traditional ritual and its background. Other schools have also been founded.

The Tajín Summit, for example, was introduced in 2000 as a new festival in which artists from various countries around the world come to perform and share their local customs, practices and rites with national and foreign visitors. This multifaceted festival has significantly increased tourist revenue in the area and highlighted Totonac culture, although it may not have contributed specifically to the safeguarding of the Voladores ceremony.

The government has funded an Information and Documentation Centre, specializing in Totonac culture.

### Voladores: Community participation in safeguarding

Associations of Voladores have actively participated in the development of a safeguarding plan. A Coordinating Council was set up during the nomination process and it will help to coordinate implementation of the safeguarding plan.

A multi-disciplinary team including community representatives, informed by a series of stakeholder meetings, developed safeguarding measures. The following issues were discussed:

* Participants’ views on the meaning and values of the ceremony;
* Problems faced, including threats to the ceremony’s viability; and
* Possible safeguarding measures.

### Voladores: Some safeguarding measures proposed

**Ensure that poles are available to enact the element**

* Produce an inventory of the existing poles (both wood and metal;
* Provide access to appropriate trees;
* Organize reforestation drives;
* Create protected areas to protect tsakáe kiwi tree plantations.

**Ensure that the ritual dimension of the ceremony is not lost**

* Ensure that at appropriate times the entire ceremony is performed by tradition-bearers, including the rituals associated with raising the pole.

**Promote transmission of the element in appropriate ways**

* Support the Schools for Volador Children financially and increase enrolment in them;

**Promote information gathering and sharing for safeguarding and awareness raising**

* Promote research, with community participation the use new of technologies such as video-recording to pass on important information about the ceremony;
* Produce a list of places and occasions where both full and truncated ceremonies are celebrated.

**Create an enabling legislative and administrative environment**

* Ensure that the legislative and policy framework assists in acknowledging the importance of the element (e.g. as Regional Cultural Heritage) and assisting the safeguarding of the element (e.g. through state support).

**Raise awareness about the element**

* Distribute publications about the ceremony in indigenous languages;
* Include the ceremony in the education syllabus in the schools of the region;
* Share information about the ceremony locally, nationally and internationally.

# RAT 2.5 Lesson plan: Implementing the Convention at the international level

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| **Title of activity: Ratification 2.5 – Implementing the Convention at the international level** |
| Duration: 1.5 hours |
| Objective(s): Understand the mechanisms for implementing the Convention at the international level. Understand the mechanisms for submitting, examining and evaluating nominations for the Urgent Safeguarding List, the Representative List, the Register of Best Practices and requests for International assistance. |
| Description:   1. Presentation 2.5    * The Urgent Safeguarding List and the Representative list    * Register of Best Practices    * International assistance and cooperation |
| Supporting documents:   * Presentation 2.5 plus narrative |

**Notes and suggestions:**

This presentation discusses in greater detail the two Lists of the Intangible Heritage Convention (The Urgent Safeguarding List (USL) and the Representative List (RL)) and the Register of Best Practices. It discusses the processes and procedures for making, examining and evaluating nominations to these Lists and to the Register. It then discusses the principles and procedures for international cooperation and assistance.

# RAT 2.5 Presentation: Implementing the Convention at the international level

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# RAT 2.5 Narrative: Implementing the Convention at the international level

## Slide 1. Implementing the Convention at the international level

In the previous session participants discussed safeguarding at the national level. In this session they will learn about the mechanisms for the implementation of the Convention on the international level. All States Parties to the Intangible Heritage Convention have the same right to participate in these mechanisms.

## Slide 2. In this presentation…

This presentation discusses in greater detail the two Lists of the Intangible Heritage Convention (The Urgent Safeguarding List (USL) and the Representative List (RL)) and the Register of Best Practices. It discusses the processes and procedures for making, examining and evaluating nominations to these Lists and to the Register. It then discusses the principles and procedures for international cooperation and assistance.

## Slide 3. The Lists of the Convention

### Urgent Safeguarding List

The Intergovernmental Committee attaches great importance to the Urgent Safeguarding List (in full: the List of Intangible Cultural Heritage in need of Urgent Safeguarding). The USL seeks to highlight and promote safeguarding measures for elements at risk, recognizing their value to the communities, groups and individuals who practise and transmit it.

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| When it prepared the first set of Operational Directives, the Committee regretted that in the Convention, the Representative List is presented before the USL. In line with view of the Committee, the Operational Directives were drafted to deal with the USL first. Thus, Article 16 of the Convention introduces the RL, and Article 17 the USL, but the criteria for inscription for the USL are presented in OD 1, and those for the RL in OD 2. |

The first twelve inscriptions onto the USL were made during the Intergovernmental Committee Meeting at Abu Dhabi in 2009; four more were added at the next Committee meeting in Nairobi (2010). For the third round of inscriptions, planned to take place in Bali (Indonesia) in November 2011, over 30 nominations were received by the Secretariat of the Convention.

### Representative List

By contrast, the Representative List, full title the Representative List of the ICH of Humanity, seeks to promote the visibility of the ICH and raise awareness about healthy and viable elements. After the 90 UNESCO Masterpieces (proclaimed between 2001 and 2005) were integrated onto the RL in 2008, 76 new inscriptions were made in 2009 and 48 more in 2010, which makes a grand total – so far – of 213 inscribed elements on the RL.

The term ‘Representative’ was chosen to describe the RL because the Convention wishes to avoid language that creates hierarchies (between inscribed and non inscribed elements) and, therefore, avoided, for instance, calling it a list of ‘masterpieces’.

This approach distinguishes the Intangible Heritage Lists from the World Heritage List, which uses the criterion of ‘outstanding universal value’. Elements on the Representative List are valued in the first place by the communities that create, enact and transmit the; they are also valued by the broader international community as an indication of human creativity and cultural diversity.

Inscription of an element on these Lists means that the Committee is convinced that the nomination meets the criteria set out in the Operational Directives (OD 1-2), including that the nomination and the proposed safeguarding measures enjoy the full support of the community, group or individuals concerned. For the communities concerned, inscription on this List is an important event: it means that the State recognizes the interest the community has in preserving the element and that it will take the necessary measures to safeguard this element of their ICH. In the case of developing states it means that international assistance may be requested from the Fund of the Convention.

Participants can read more about the USL in the Convention, Article 17. Criteria for inscription on the List are given in OD 1. Article 16 of the Convention establishes the Representative List. The criteria for inscription on that List are given in OD 2.

By nominating elements to the Lists, States Parties demonstrate that they take the safeguarding of the ICH seriously. They demonstrate that they are making real efforts to implement the Convention by identifying and inventorying elements of ICH at a national level, with the participation of the communities concerned. By making nominations to the RL, States Parties highlight their cultural diversity and commitment to raising awareness about the ICH in their territories. By making nominations to the USL, they also highlight their commitment to safeguarding activities, assessing the viability of their ICH, and developing safeguarding plans.

Inscription on the USL is in **no** way to be seen as a sign of failure or as a **punitive action**: the Convention recognizes that there is much endangered ICH, everywhere in the world, and inscription aims to help in addressing the threats to which the inscribed elements are exposed.

### Relationships between the Lists

There are some mechanisms to encourage nominations to the USL: Requests for financial assistance for implementing safeguarding plans that are presented in nomination files to the USL have the highest priority when it comes to the use of the Fund of the Convention; projects concerning elements inscribed on the Representative List, which are supposed to be in good condition, do not have such priority. What is more, States Parties may request financial assistance for the preparation of nomination files to the USL, whereas for the RL this is not possible.

Elements may be **nominated to only one of the Lists (OD 38)**. Unlike procedures under the World Heritage Convention, where nominations are made only to the World Heritage List and properties may be transferred to its subsidiary List of World Heritage in Danger if they are thought to be at risk, under the Intangible Heritage Convention, nominations are made independently to the Urgent Safeguarding List and the Representative List.

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| **Which List?**  When deciding to nominate an element to one of the Lists of the Convention, it is important to consider which List (USL or RL) is most suitable.  Often the choice between the two Lists is not an easy one as there is a continuum between thriving and severely endangered ICH; in quite a few situations either of the two Lists might be chosen.  The result is that one can find on the USL a range of more or less seriously endangered elements and on the Representative List a range of more or less viable elements. There is no significant gap between the least viable elements inscribed on the Representative List and the least endangered elements on the USL.  This means on the one hand that States have a certain degree of choice in selecting the appropriate List; it also means that the Committee will soon have to ensure that periodic reports from the States Parties provide detailed information about developments in the viability of inscribed elements. The ODs give the Committee the right to remove elements from the Lists of the Convention when they no longer satisfy one or more of the criteria for inscription (OD 39 and 40). A detailed and up-to-date assessment of viability is required to make the correct decision. Elements that are discussed as candidates for nomination should already be listed in an inventory prepared under the responsibility of the State Party concerned. If that is indeed the case, then some information on the viability of the element should already be available in the inventory. Even so, it is important to confirm the current state of viability of the element with the community members, because circumstances may have changed since information was collected for inventorying purposes. Often, the viability of an element will be threatened only partly, or there will be a diversity of opinions on the subject within the community.  A submission to one or the other List requires a detailed and careful assessment of the viability of the element. It does not help to embellish things, or to present the situation as worse than it is in reality (for instance for the sake of ensuring financial assistance) because 4 or 6 years after an inscription on one or the other of the two Lists, the State Party will be asked to report in great detail on the viability of the element. |

The States Parties concerned may propose the **transfer** of elements from the RL to the USL if they become less endangered, or vice versa if their viability diminishes (OD 38), but – again - inscription on the USL is in no way to be seen as a sign of failure or as a punitive action: the Convention recognizes that there is much endangered ICH, everywhere in the world, and inscription aims to help in addressing the threats to which the inscribed elements are exposed.

The Committee may decide to **delist** an element if it considers that it no longer meets the criteria for the list on which it was inscribed (OD 39-40). This has not yet happened; once the States Parties have started submitting their 6-yearly reports, that have to include information about elements inscribed on the RL, and 4-yearly reports concerning elements on the USL, such decisions might be in order.

### Numerous nominations cannot all be examined

At present far more nominations are received for the RL than for the USL, and not all regions are equally represented on the Lists. East Asia is somewhat overrepresented, while for the moment Africa and the Arab states are less well represented.

States Parties may submit any number of nominations for either List. In 2010, however, not all nominations for the Representative List could be processed; the same situation will obtain in 2011 and 2012.

Due to the heavy workload borne by the Secretariat and the Subsidiary Body in evaluating RL nominations, in 2009 the Committee decided that for the round 2010) only 54 of the 117 elements that had been nominated to this List would be examined and evaluated. In 2010, the General Assembly decided that special measures had to be put in place to provide sufficient resources to assist the Secretariat and the two examining bodies to assess nominations to the Lists of the Convention.

In view of the still limited capacities of the Secretariat, of the Committee and of its Subsidiary and Consultative Bodies, not all nominations can be processed in 2011 and 2012 either. In November 2010 the Committee decided that in both rounds 31 of the nominations (and probably no more than this) will be processed. The discussions on how to cope with the difficult situation are on going; The General Assembly will take a decision on the issue in 2012 or 2014. The best solution would be an increase in the capacities of the Secretariat; the most probable solution will be that the procedures for processing the files for the RL will be somewhat simplified and that numbers of nominations will be fixed in some way.

Under the regime that is applied in the period 2010 to 2012, priority is given to multinational nominations and to nominations from States Parties that are underrepresented on the List – this will help to slightly redress the imbalance on this List (or at least see to it that the imbalance does not further increase).

See ‘Lists of the Convention’ on the ICH website: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011>

The following two slides present elements inscribed on the Lists:

## Slide 4. On the Urgent Safeguarding List: The Sanké mon: collective fishing rite of the Sanké

The Sanké mon collective fishing rite takes place annually in the Ségou region of Mali to mark the beginning of the rainy season and commemorate the founding of the town, San.

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

Safeguarding measures are underway.

## Slide 5. On the Representative List: The Tango

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

## Slide 6. Evaluation criteria for the Lists

Nominated elements have to meet the criteria listed in the Operational Directives:

* There are six criteria for USL nominations (OD 1)
* There are five criteria for RL nominations (OD 2)

The criteria for the two Lists largely coincide.

The following criteria are identical for both the USL and the RL:

Criterion 1 (does the proposed element meet the definition of ICH?),

Criterion 4 (was the element nominated with the full consent of the community?), and

Criterion 5 (does the element figure in an inventory of the submitting State(s)?).

Criterion 3 (are safeguarding measures elaborated?) is almost identical for both Lists.

Criterion 2 distinguishes the Lists:

USL (U2): is the element (very) seriously endangered?

RL (R2): will the element, once inscribed, contribute to the visibility of the ICH?

Participants may read through these criteria in their copies of the ODs and discuss them in class.

Note: The criteria are as follows:

**Nominations to the USL (OD 1)**

In nomination files, the submitting State(s) Party(ies), is (are)requested to demonstrate that an element proposed for inscription on the Urgent Safeguarding List satisfies all of the following criteria:

**U.1** The element constitutes intangible cultural heritage as defined in Article 2 of the Convention.

**U.2** a. The element is in urgent need of safeguarding because its viability is at risk despite the efforts of the community, group or, if applicable, individuals and State(s) Party(ies) concerned;

or b. The element is in extremely urgent need of safeguarding because it is facing grave threats as a result of which it cannot be expected to survive without immediate safeguarding.

**U.3** Safeguarding measures are elaborated that may enable the community, group or, if applicable, individuals concerned to continue the practise and transmission of the element.

**U.4** The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.

**U.5** The element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s)Party(ies), as defined in Articles 11 and 12 of the Convention**.**

**U.6** In cases of extreme urgency, the State(s) Party(ies) concerned has(have) been duly consulted regarding inscription of the element in conformity with Article 17.3 of the Convention.

**Nominations to the RL (OD 2)**

In nomination files, the submitting State(s) Party(ies) is (are) requested to demonstrate that an element proposed for inscription on the Representative List of the Intangible Cultural Heritage of Humanitysatisfies all of the following criteria:

**R.1** The element constitutes intangible cultural heritage as defined in Article 2 of the Convention.

**R.2** Inscription of the element will contribute to ensuring visibility and awareness of the significance of the intangible cultural heritage and to encouraging dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity.

**R.3** Safeguarding measures are elaborated that may protect and promote the element.

**R.4** The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.

**R.5** The element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s)Party(ies), as defined in Articles 11 and 12 of the Convention.

## Slide 7. Nominations to the Lists of the Convention

As a general rule, all nominations to the Convention’s Lists are made by the States Parties concerned, with the participation of the relevant communities.

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| Various parties, including the State(s) Party (ies) concerned, may bring cases of extreme urgency to the attention of the Committee; such cases will be taken into account on an accelerated schedule and evaluated in consultation with the State(s) Party(ies) concerned (OD 1 (U.6), OD 33 and 34). In such cases, too, community participation and consent for the nomination is required. |

Form ICH 01 is to be used for USL nominations, Form ICH 02 for the Representative List; these forms can be downloaded from the website of the Convention.. Financial assistance is only available for preparing nominations to the USL and the Register of Best Practices, not for preparing nominations to the Representative List. There are special forms for requesting preparatory assistance (ICH-05 and ICH-06).

To assist the Committee, a Subsidiary Body of the Committee, composed of six States Members of the Committee, examines nominations to the RL, while a Consultative Body made up of 6 experts and 6 NGO representatives examines nominations to the USL.

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| At the moment, the Subsidiary Body consists of representatives of the following States Members of the Committee: Italy, Croatia, Venezuela, Republic of Korea, Kenya and Jordan. |
| The first Consultative Body was created at the fifth session of the Committee, in November 2010. It is currently composed of the following six NGOs: |
| Craft Revival Trust (India)  African Cultural regeneration Institute (Kenya)  Association Cont’Act pour l’éducation et les cultures (Morocco)  Fundacion Erigaie (Colombia)  Maison des cultures du monde (France)  Česká národopisná společnost / Czech ethnological Society (Czech Republic) |
| and of the following six individual experts: |
| Pablo Carpintero (Spain),  Rusudan Tsurtsumia (Georgia),  Guillermo Sequera (Paraguay),  Adi Meretui Ratunabuabua (Fiji),  Claudine-Augée Angoue (Gabon),  Abderrahman Ayoub (Tunisia) |

States Parties have to make six-yearly reports to the Intergovernmental Committee on the legislative, regulatory and other measures taken for the implementation of the Convention (Article 29, OD Chapter V). This detailed report also has to include information on the viability and the management or safeguarding of elements inscribed on the RL (OD 157). Reports are due by 15 December of the sixth year after the year of ratification, acceptance or approval, and every sixth year thereafter. Reporting about elements inscribed on the USL (OD 160-164) follows a four-yearly reporting cycle.

## Slide 8. Register of Best Practices

Apart from the Lists, there is also a Register of Best (Safeguarding) Practices established under the Convention (Article 18) and elaborated in great detail in the Operational Directives (OD 7, OD 42-46).

This is a major tool for the exchange of experiences in implementing the Convention. States Parties are invited to submit safeguarding and other programmes, projects and activities that best reflect the objectives of the Convention for selection by the Committee as good practices. Procedures and criteria for the selection of the Article 18 projects are laid down in the Operational Guidelines. After their inclusion on the Register, the Committee and Secretariat promote the selected programmes, projects and activities. In 2009 the Committee inscribed the first three Best Practices, in 2010 no new practices were inscribed but for the 2011 round more than ten proposals were received.

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| The selection criteria for the best practices are given in OD 7. For procedures and regulations, see also OD 32, 35, 42 – 46, 54.  The term ‘best practices’ is used in Article 18.3 of the Convention, which also states that the Committee will disseminate ‘the best practices by means to be determined by it’. The means determined by the Committee include the Register, which is first mentioned in OD 44. |

One of the practices selected in 2009 was:

## Slide 9. A Best Practice: The school museum of Pusol

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

## Slide 10. Nominations TO The Register of the Convention

Nominations to the Register of best practices under Article 18 follow similar procedures to those for nominations to the USL. They have the same deadline, preparatory assistance is available for both kinds of nominations, and they have the same examining body. However, nominations for the Register use a different form (ICH 03), and no accelerated nomination process is possible.

**For the sake of completeness the many criteria for the Register are given here:**

**Criteria for the Register (OD 7)**

From among the programmes, projects or activities proposed to it, the Committee shall select those that best satisfy all of the following criteria:

**P.1** The programme, project or activity involves safeguarding, as defined in Article 2.3 of the Convention.

**P.2** The programme, project or activity promotes the coordination of efforts for safeguarding intangible cultural heritage on regional, subregional and/or international levels.

**P.3** The programme, project or activity reflects the principles and objectives of the Convention.

**P.4** The programme, project or activity has demonstrated effectiveness in contributing to the viability of the intangible cultural heritage concerned.

**P.5** The programme, project or activity is or has been implemented with the participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.

**P.6** The programme, project or activity may serve as a subregional, regional or international model, as the case may be, for safeguarding activities.

**P.7** The submitting State(s) Party(ies), implementing body(ies), and community, group or, if applicable, individuals concerned are willing to cooperate in the dissemination of best practices, if their programme, project or activity is selected.

**P.8** The programme, project or activity features experiences that are susceptible to an assessment of their results.

**P.9** The programme, project or activity is primarily applicable to the particular needs of developing countries.

## Slide 11. Timetable and Procedures for nominations to Lists and Register

Nominations for both Lists and the Register have to be submitted to the UNESCO Secretariat by 31 March of every year. Assessment of the various types of files follows somewhat different procedures, but if all goes well, this may lead to inscription in the latter part (usually November) of the following year.

By 30 June of the first year the Secretariat will, where necessary, request additional information if nomination files are incomplete. States Parties are given until 30 September to complete the files before they go to examination.

Between December of the first year and May of the second year, the files are examined by the special Consultative Body (for USL and best practices nominations) or by the Subsidiary Body of the Committee (for RL nominations). In June of year 2, these bodies formulate their recommendations for the Intergovernmental Committee.

Between September and November of the second year, the Intergovernmental Committee evaluates the files (OD 35-37). The Committee may decide to inscribe – or not to inscribe - elements nominated for the USL and practices nominated for the Register. If these elements and practices are not inscribed they may be resubmitted the following year. For the Representative List things are more complicated in the final stage: the Committee may decide

1. To inscribe the nominated elements (OD 35);
2. To refer them back to the States Parties concerned for completion (once completed, the files may then be resubmitted the following year, OD 36), or
3. To reject them, in which case they cannot be resubmitted until 4 years have passed (OD 37).

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| The Secretariat will assess the nomination files for the USL for completeness in greater detail than nominations for the RL. Thus, OD 36 provides for a situation in which a RL nomination remains incomplete, and the Committee refers the nomination back to the submitting State Party after its evaluation. |

Preparatory assistance requests for USL nominations and nominations of good practices under Article 18 have the same deadline of 31 March of every year. These requests are evaluated and approved by the Bureau of the Committee at short notice. It is to be noted that when preparatory assistance is requested, the period between the deadline for the submission of the assistance request and the Committee’s meeting that will evaluate the resulting nomination, is at least two and a half years.

## Slide 12. International cooperation

The Convention places a strong emphasis on international cooperation for the safeguarding of the ICH of humanity. This could include:

* Multinational nominations and joint safeguarding of shared heritage
* Exchange of information and expertise
* Cooperating between community organizations, NGOs, institutions on the regional level and cooperation within the framework of Category II centres about ICH safeguarding
* Participation in the Organs of the Convention

Because the Convention’s approach is relatively new in the field of heritage management, much work needs to be done in developing methodologies and sharing examples of good practices. States Parties will benefit from assisting each other, providing expertise and information, and from sharing experiences about safeguarding ICH. This can make their safeguarding activities more targeted, more efficient and more cost-effective. The Convention promotes the exchange of skills and experiences between States Parties about the safeguarding of intangible heritage. It also encourages cooperation between states about shared intangible heritage elements, particularly the joint submission of nominations for inscription on the lists of the Convention and international assistance requests. In the Operational Directives, countries are encouraged to cooperate and collaborate through Category 2 centres.

Category 2 centres (C2Cs) are institutions working under the auspices of UNESCO that coordinate the activities of States on a specific topic across several countries or a broader region. … The number of C2Cs in the domain of culture and heritage is on the increase. The first C2C for ICH, the Regional Centre for the Safeguarding of Intangible Cultural Heritage in Latin America (CRESPIAL), based in Peru, was established in 2006. In 2010 agreements were signed between UNESCO and Bulgaria, China, the Islamic Republic of Iran, Japan and the Republic of Korea establishing five new C2Cs on aspects of ICH safeguarding.[[11]](#footnote-11)

## Slide 13. Multinational nominations

An ICH element is frequently not restricted to the territory of a single State Party – we speak then about cross-border, or internationally shared heritage. Because intangible heritage is linked to people, it travels with them. People move around all the time, whether voluntarily or involuntarily, nowadays mostly as emigrants, as tourists and as exchange students. ICH can also spread from community to another and thus become shared heritage. Often communities were divided by arbitrary borders, the unwitting victims or beneficiaries of distant political deals. An ICH element is thus frequently shared across borders and, with communities of emigrants, also over distant countries.

Shared ICH elements – as well as the communities concerned - may benefit from being safeguarded jointly by all countries concerned. The Convention thus encourages multinational nominations, requests and safeguarding projects and gives priority to them for financial assistance. Confronted with the impossibility of dealing with all the nominations for the RL, the Committee thus decided to give the highest priority to multinational nominations.

In cases of shared heritage, safeguarding may best be achieved through collaboration between the communities or groups concerned, whether or not they live in different countries.

States Parties are, of course, also encouraged to develop joint safeguarding projects. Joint safeguarding activities and joint preparation of nomination files, together with the communities concerned, may also foster cooperation and understanding between States in cultural and other domains.

**OD 13** encourages joint nominations to the Urgent Safeguarding List and to the Representative List.

**OD 15** specifically encourages the joint submission, for selection as best safeguarding practices, of ‘sub-regional or regional programmes, projects and activities as well as those undertaken jointly by States Parties in geographically discontinuous areas’.

**OD 88** calls upon States Parties to ‘participate in activities pertaining to regional cooperation, including those of C2Cs for ICH’, and **OD 86** encourages them to develop, at the sub-regional and regional levels, networks of communities, experts, centres of experts and research institutes to develop joint approaches, particularly ‘concerning the elements of ICH they have in common’.

When evaluating requests for international assistance to be financed from the Fund of the Convention, priority will be given, among other things, to requests concerning programmes, projects and activities carried out at the national, sub-regional and regional levels (**OD 9c**). The programmes, projects and activities that the Committee will select as best practices, should, among other criteria, promote the coordination of efforts for safeguarding ICH on regional, sub-regional and international levels (**OD 7 (P2)**). **OD 4** states that at each session the Committee may explicitly call for proposals characterized by international cooperation.

In their six-yearly reports to the Committee about the state of the safeguarding of the ICH present in their territories, the States Parties are requested to include information on the measures taken by them at the bilateral, sub-regional, regional and international levels for the implementation of the Convention (**OD 156**).[[12]](#footnote-12)

## Slide 14. International Assistance

International assistance is paid from the Intangible Heritage Fund, established by Article 25 of the Convention to support the safeguarding of ICH.

There are two main sources of funding for the Intangible Heritage Fund:

* **Contributions of States Parties to UNESCO**: Article 26.1 of the Convention strongly encourages States Parties to pay an annual contribution to the Intangible Heritage Fund in proportion to their Gross Domestic Product (at the moment that contribution is fixed at 1% of the States Parties’ annual contribution to UNESCO).

A State may declare, when it deposits its instrument of ratification, that it shall not be bound by Article 26.1. The States Parties concerned (four states so far have made this declaration) are expected to contribute an amount that is as close as possible to the amount they would have paid, had they not made this declaration, and to withdraw this declaration at their earliest convenience – see article 26.2 and 26.3).

The Fund receives about 1.5 million USD per year in the form of ‘compulsory’ contributions (i.e. in conformity with article 26.1); what individual States Parties have to contribute varies from half a million to a few hundred USD.

* **Voluntary supplementary contributions**: States Parties may make additional financial contributions (Article 27, OD 68 – 75).

States Parties and other agents have also made voluntary contributions for ICH-related projects and programmes directly to UNESCO. They are, however, nowadays increasingly sending such contributions to the Fund of the Convention. The States Parties concerned include Japan, Norway, Flanders (Belgium), Italy and the Republic of Korea. Japan funds-in-trust have supported a large number of safeguarding projects in the last 8 or 9 years – one example is a project safeguarding the traditional food ways of two communities in Kenya (2009). At present Flanders supports pilot projects concerning community based inventory making in six Sub-Saharan African countries. In November 2010 Norway offered a very substantial amount for the financing of capacity-building activities in African and Latin American countries.

Other voluntary contributions have come from companies like Asahi Shimbun (Japan) and SAMSUNG (Korea). The European Union was the main sponsor for the MEDLIHER project to support the implementation of the Convention in Egypt, Jordan, Lebanon and the Syrian Arab Republic.

MEDLIHER = Mediterranean Living Heritage: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00226>.

## Slide 15. Aims of international assistance

According to Article 20 of the Convention international assistance is intended to support a number of priority areas relating to the safeguarding of ICH as defined by the Convention:

* Safeguarding of elements on the Urgent Safeguarding List;
* The preparation of inventories;
* Support for programmes, projects and activities aimed at the safeguarding of ICH on the national and international level; and
* Other activities aimed at the implementation of the Convention, including capacity building and preparatory assistance (i.e. for preparing nomination files for the Urgent Safeguarding List and the Register of best safeguarding practices under the Convention – see OD 9, 16, 18 and 66 and 67).

International assistance is supplementary to national efforts for safeguarding ICH (OD 8 and OD 12 (A.5)).

International assistance to developing States Parties is prioritized

## Slide 16. Making an application – forms

There are three different forms used for applications for international assistance which can be downloaded from the UNESCO ICH website (<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00184>):

**Form ICH-04** is used for requesting various types of international assistance for safeguarding. There are different deadlines and different evaluation procedures for this form depending on the type of assistance and the amount requested:

* + Emergency assistance (any amount) (applications may be submitted at any time; the Bureau makes a decision on the request)
  + Regular assistance under US$ 25,000 (applications may be submitted at any time; the Bureau makes a decision on the request)
  + Regular assistance over US$ 25,000 (deadline is 31 March of any year; the Committee makes a decision on the request)

**Form ICH-05, deadline 31 March (Bureau** makes a decision on the request**),** is used for requesting funding for the preparation of nomination files for the Urgent Safeguarding List. This may assist States Parties in holding community participation processes, making videos and so on. Up to 5,000 USD is granted for a mono-national, up to 10,000 USD for a multi-national file.

**Form ICH-06, deadline 31 March (Bureau** makes a decision on the request**),** is used for requesting funding for preparing proposals for the Register of Best Practices. These programmes have to already be underway or substantially completed – the funding can be used to write an assessment of the project and explain why it was a good project, but not to implement the project. Up to 5,000 USD is granted for a mono-national, up to 10,000 USD for a multi-national file.

## Slide 17. Evaluation of international assistance requests

Any State Party to the Convention may make an application for international assistance; in practice only developing countries tend to apply. Applications may come from one or more States Parties to the Convention.

Applications for international assistance over 25,000 USD and for preparatory assistance have to be submitted to the Secretariat by 31 March in any year. Emergency assistance requests and international assistance requests under 25,000 USD may be submitted at any time. The Bureau of the Intergovernmental Committee will evaluate these latter requests, as well as the requests for preparatory assistance. The Consultative Body examines international assistance requests over 25,000 USD, formulates a recommendation to the Committee and then the Committee makes a decision the following year.

## Slide 18. Criteria for evaluating applications

Evaluation criteria for international assistance requests include:

* Communities, groups and individuals have participated in the preparation of the request and will participate in its implementation or management, as appropriate;
* Proposals are well conceived and feasible;
* The intervention may have lasting effects and/or project leads to capacity-building for safeguarding; and
* The beneficiary State Party shares the cost, within the limits of its resources.

## Slide 19. Priority may be given to:

In evaluating international assistance requests, priority may be given to:

* Special needs of developing countries
* Cross-border ICH
* Cooperation at the bilateral, regional or international levels
* Projects with multiplier effects

Additional consideration: Equitable geographical distribution of funded projects

However, it should be noted that these prioritizations will only come into effect when the requests for assistance exceed the capacity of the fund, which is not currently the case.

# RAT 2.6 Lesson plan: Participation of communities

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| --- |
| **Title of activity: Ratification 2.6 – Participation of communities and roles of stakeholders in safeguarding** |
| Duration: 1.5 hours |
| Objective(s): Assist, through discussions and the presentation of case studies, in identifying the different ways in which communities, groups and individuals can participate in the widest possible way in the all the phases of the implementation of the Convention |
| Description:   1. Presentation 2.5  * Why community participation * Defining communities * Roles of stakeholders * Examples of community participation |
| Supporting documents:   * Presentation 2.6 plus narrative * Hand-out 2.6.1 – roles of stakeholders * Hand-out 2.6.2 – examples of community participation |

# RAT 2.6 Presentation: Community participation in safeguarding ICH

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# RAT 2.6 Narrative: Community participation in safeguarding ICH

## Slide 1. Title

## Slide 2. In this presentation

* Reasons for community participation
* Defining communities, groups and individuals concerned
* Roles of various stakeholders
* Examples of community participation

## Slide 3. Reasons for community participation

The Convention and its Operational Directives strongly recommend (and in some cases require) that States Parties involve the relevant communities, groups and individuals in any actions and activities concerning their ICH. This includes identification, safeguarding, and listing on the international lists of the Convention.

Why is this so important?

* Intangible heritage is enacted and transmitted by people (communities, groups and individuals) who identify with it, and consider it part of their cultural heritage.
* ICH is part of the collective heritage of these people (whether identified/treated as communities, groups or - in some cases – as individuals);
* Safeguarding involves ensuring continued practice and transmission within and by the people (communities, groups and individuals) concerned;
* Safeguarding therefore cannot happen without the consent and involvement of the people concerned (communities, groups and individuals).

## Slide 4. Defining the community concerned

Communities are difficult to define in abstract but in this context they are the people who are directly or indirectly involved in the enactment and transmission of the ICH element(s).

When identifying communities, groups and individuals in order to involve them in the safeguarding process, the following considerations should be borne in mind:

* The community concerned may be large or small, and people within the community can have different roles vis-à-vis the proposed element.
  + There may be small groups of skilled practitioners, tradition-bearers, knowledge-bearers and so on, who play a more direct and/or specialized role in the practice and transmission of the element, such as puppeteers, performers, musicians, shamans, master-woodworkers, etc. Often they form small groups or individuals (a one-person group) within a larger community.
  + The community concerned may also include large numbers of indirect participants, e.g. interactive audiences at rituals or festive events, or people who assist in the preparations for performances or festivals. Understanding and responsive audiences are often essential for meaningful enactment of an element.
* Communities can be defined in terms of ethno-linguistic affiliations, location (urban or rural, or by administrative region), or common beliefs or practices, or in terms of their common history. The community or group, and hence the practice of the ICH element, may be scattered across a wide geographical area, or even in countries located at some distance from each other.
* Communities are not homogenous and not everyone will agree on every issue. In many cases, not all members of a community fully participate in the same set of ICH.
* Usually people have several kinds of social affiliations through different networks, and these affiliations can change over time.
* Communities and groups often have internal hierarchies, for instance those based on class, age or gender.
* Communities often coalesce not just around historical relationships (including shared heritage), but also around current political and economic challenges and goals.

## Exercise

Participants should discuss the various communities or groups to which they themselves belong, and they could mention any associated ICH practices.

## Slide 5. Community participation in safeguarding

As indicated on this slide, the communities and groups (and where relevant, individuals) concerned bear the main responsibility for the transmission, and enactment of their ICH; and there is no safeguarding without their commitment.

Communities and groups concerned may, if they wish, receive assistance from other agencies in implementing safeguarding activities such as identification, documentation, and revitalization, etc. These other agencies may include the state, NGOs, researchers, documentation centres and so on. If these agencies act on their own initiative in safeguarding the element, they will have to seek the free, prior and informed consent of the communities, groups or individuals concerned.

Only awareness-raising about or promotion of an element aimed at outsiders could be done without the direct involvement of the communities and groups concerned, although this would have to be done with their consent (and guidance where necessary).

## Exercise

Hand-out 2.6.1 on roles of stakeholders gives examples of the various roles States Parties, NGOs, experts and other stakeholders can play alongside the communities and groups concerned in implementing the Convention.

Participants should read this hand-out and discuss the roles already played by government, NGOs and communities in their own contexts, regarding ICH elements.

## Slide 6. Opinion: Dr Londres Fonseca

Inventorying is a precondition for submitting an element to the Lists of the Convention. It is very important to involve the relevant communities in the process of inventorying, not just to comply with the requirements of participation and consent in the nomination file, but to build relationships for future safeguarding.

This is confirmed by Dr Londres Fonseca from IPHAN in Brazil, who says:

‘In my own opinion, what is really needed is for the community to participate in the process [of inventorying], because otherwise our vision is going to be too remote from what is actually happening and we shall fail to realize that the name and category of the element are not the only thing that matters. What matters above all are its meanings, the values attributed to it and how people practise it, which varies a lot. These are older people, and, of course, an anthropologist’s view helps a lot, but I doubt whether the anthropologist’s view is enough. No doubt an anthropologist is very helpful and knows the methodology, but the problem is not just description, because for us an inventory is the first step towards safeguarding. If the population takes part in the inventory, if the community is involved, it has already become a partner in this process. If the inscription takes place without dialogue with the community, even if there is a formal gesture in this direction, I wonder whether there will actually be any involvement in safeguarding or whether this involvement will have to be built afterwards. This is not impossible, but I think it is better to do it beforehand if possible. However, I realize that scale is something very complicated here, and I think that each country must find its own answers.’

## Slide 7. Example: Documenting Subanen indigenous knowledge

Between 2003 and 2004 the Subanen community in Zamboanga Peninsula (formerly Western Mindanao) in the Philippines documented indigenous knowledge about local plants. Note that it has not yet resulted in a nomination to the Intangible Heritage Convention’s lists. It is an example of community participation in documentation.

Key points to note are:

* Elders recognized that their knowledge about local plants was not being passed on to younger community members
* They asked for help to train young people to document this knowledge within the community
* Copyright protection gained
* Materials included in the school curriculum

This example is summarized in Hand-out 2.6.2 – examples of community participation in safeguarding.

## Slide 8. Example: Safeguarding Cantu in Paghjella, Corsica/France

‘The Cantu in Paghjella: a secular and liturgical oral tradition of Corsica’ was inscribed on the Urgent Safeguarding List in 2009.

This example is summarized in Hand-out 2.6.2 – examples of community participation in safeguarding.

Key points to note are:

* The value of expert-practitioner meetings
* The importance of practitioner associations, and their involvement in inventorying
* Media campaigns to raise awareness

Community participation was aided by local Government support.

## Slide 9. Example: Mijikenda safeguarding plan (Kenya)

‘Traditions and practices associated to the Kayas in the sacred forests of the Mijikenda’ was inscribed on the Urgent Safeguarding List in 2009.

Highlights of the case study include:

* Community consultations
* Incorporating community ideas into the safeguarding plan
* Community development groups formed.

This example is summarized in Hand-out 2.6.2 – examples of community participation in safeguarding.

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# RAT 2.6.1 Hand-out: Roles of communities and other stakeholders in implementing the Intangible Heritage Convention

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

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

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

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

## Roles of States Parties

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

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

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

## Roles of the communities, groups and individuals concerned

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

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

Roles of communities:

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

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

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

|  |  |  |
| --- | --- | --- |
| **Role** | **Convention (Article)** | **OD**  **(Para)** |
| **NGOs can cooperate with other stakeholders, in the following tasks:**   * Assisting in identifying and defining the ICH at the national level; * Assisting in developing and implementing safeguarding plans for the ICH at the national level; * Assisting in preparing nomination files to the Lists and Register of the Convention; and * If accredited under the Convention, supporting its implementation internationally by advising the Committee where required, and by assisting the Secretariat in the exchange of information about ICH. | 11b | 90  96  123b |
| **Experts, centres of expertise and research institutes can**   * Assist in identifying, defining and inventorying the ICH at the national level; * Assist in implementing safeguarding plans for the ICH at the national level; * Assist in preparing nomination files to the Lists and Register of the Convention; * Conduct research and develop methodologies for ICH research; * Conduct training in ICH management and safeguarding; * Advise the Intergovernmental Committee as requested; and * Contribute to international cooperation and exchange through collaborations, networks, information sharing and participation in joint projects. | 13  8(4) | 79-80  84  86-89 |

# RAT 2.6.2 Hand-out: Examples of community participation in ICH safeguarding

The Intangible Heritage Convention requires States Parties to involve communities and groups in identifying their ICH elements, and it strongly encourages the States Parties to involve them in managing their ICH. Of course, communities all over the world, with or without outside assistance, have been effectively safeguarding ICH elements before the Convention entered into force, or in states that are not parties to the Convention.

The Convention and the ODs do not give precise indications as to how to involve (or even define) the relevant communities, groups and individuals.

This hand-out provides a few examples of community participation in safeguarding actions.

The Convention does not call upon communities to participate, or to take the initiative in safeguarding their ICH; they are of course free to decide not to safeguard their ICH. The Convention does however call upon States Parties to ensure that the communities concerned participate in the safeguarding process if it is their wish that their ICH be safeguarded. In implementing the Convention it is therefore important to document how community participation has been achieved in the safeguarding process, i.e.:

* Who has taken the initiative for inventorying, nomination (if relevant), safeguarding etc.;
* How relevant communities, groups and individuals have been identified;
* How representatives of these groups have been identified; and
* How community participation has contributed to the process of safeguarding.

The examples below show that although different stakeholders can take the initiative for safeguarding processes, the participation of the relevant communities, groups and individuals still has to be ensured.

## Community-based documentation of intangible heritage in the Philippines

Between 2003 and 2004 the Subanen community in Zamboanga Peninsula (formerly Western Mindanao) in the Philippines documented their indigenous knowledge about local plants considered valuable for medicinal, agricultural, economic, and religious reasons.

Plant diversity in the region is declining due to population pressure and climatic change. Elders in the community recognized that as plant diversity dwindles, knowledge about plants also declines. They realized that indigenous knowledge was no longer being passed on to the next generation, and could eventually disappear forever.

The Subanen leaders therefore sought assistance from specialized organizations to provide them with the skills to document this indigenous knowledge themselves, with external experts acting as facilitators. Community elders provided information that was documented by younger, literate community members.

The resulting documentation was packaged into a multimedia format and other popular educational materials in English with Subanen translations. These materials were formally registered with the government copyright office, in order to guarantee the community’s intellectual property rights. The community’s education programme now uses them to teach schoolchildren about their culture; they are also used as curriculum material for adults who want to learn to read and write in their ancestral language.

More information:

<http://www.unesco.org/culture/ich/index.php?pg=00261>

<http://www.ifad.org/english/indigenous/pub/documents/Indigeknowledge.pdf>

## Community involvement in the safeguarding of the Cantu in paghjella: a secular and liturgical oral tradition of Corsica (France)

The Cantu in Paghjella was inscribed on the Urgent Safeguarding List in 2009.

Since the 1970s, practitioners of the Cantu in Paghjella have tried to transmit this increasingly endangered song tradition to the younger generation, within the framework of the Riacquistu Movement promoting cultural revival in Corsica.

In 2006, the Centre for Traditional Corsican Music organized a conference on the theme ‘Intangible Cultural Heritage and Transmission: Can Traditional Corsican Polyphony Disappear?’ Practitioners of the element met with Corsican and other experts to analyse the threats to the element and develop a public safeguarding policy. Participants expressed their concern regarding the threats to the viability of the element and noted the urgency of reviving the process of transmission. The debate that began during the Symposium spread to the community of practitioners and to the public.

In 2007, following consultation with the community of practitioners, an association was created for ‘the identification, documentation, research, preservation, protection, promotion, enhancement, formal and informal transmission of the Cantu in Paghjella in relation to the regional, national and international instances and bodies.’

The Cantu in Paghjella Association requested France to include the element on the inventory it has to establish under the Intangible Heritage Convention. The Cantu in Paghjella Association established a research team of five people (practitioners and experts) who established an inventory of the existing practices, working with the practitioners. Comparing them with practices existing fifty years ago, they noted an important reduction in the number of practitioners of the Cantu in Paghjella and the impoverishment of its repertoire. In this process not all practitioners of the element agreed to being recorded.

At the same time, local media (Corse Matin, France 3 Corse, Journal de la Corse) and national media (TF1, LCI), informed the public about this work.

On 23 July 2008, during the preparation of the results of the 2006 Symposium, the request for the nomination of the Cantu in Paghjella to the Urgent Safeguarding List was presented to the members of the Economic, Social and Cultural Council of Corsica (CESC).

On 16 March 2009, the Corsican Assembly unanimously adopted a vote requesting the State to nominate the candidature of the Cantu in Paghjella for inscription to the Urgent Safeguarding List. Thirty practitioners, participating regularly in the secular and religious Cantu in Paghjella, approved the nomination to the Urgent Safeguarding List and the associated safeguarding plan.

## Community involvement in the safeguarding of the Traditions and Practices associated to the Kayas in the Sacred Forests of the Mijikenda (Kenya):

This element was inscribed on the Urgent Safeguarding List in 2009.

The National Museums of Kenya and the Department of Culture held a series of consultation meetings with the Councils of Elders and other members of Mijikenda communities (Kaya conservation groups, women’s groups and youth groups) in the 1990s to discuss conservation and safeguarding issues.

A crucial meeting was held on 9th March, 2009 to discuss matters to be included in the nomination file for inscribing the intangible heritage practices associated with the Kayas on the Urgent Safeguarding List. The Provincial Administration of the area supported the consultation process with the Mijikenda kaya communities.

The National Museums of Kenya and the Department of Culture organized a sensitization workshop involving Councils of Elders, Kaya conservation groups, women’s groups and youth groups. The community members discussed the function and viability of the traditions and practices, and brought up major issues around safeguarding that were recorded and incorporated into the nomination process:

* They had a strong wish to continue with the traditions and practices related to the Kayas and thus the need to safeguard them together with the Kaya forest ecosystems;
* They wished to start income generating activities such as bee-keeping, eco-tourism and craft for each Mijikenda community to enhance ownership and safeguarding measures; and
* They wished to recruit community guards to work hand in hand with youth groups who act as whistle blowers when the forest is invaded (probably by people seeking resources like wood and plants).

Community inputs about guards and income-generating activities were incorporated into the safeguarding plan.

The Kaya communities, represented by their Elders, gave their consent for their traditional practices to be nominated for the 2003 Convention and particularly for the Urgent Safeguarding List in view of the critical state of their viability. Their agreement was captured in a video clip and written down.

## Community involvement in the safeguarding of Places of memory and living traditions of the Otomí-Chichimecas people of Tolimán: the Peña de Bernal, guardian of a sacred territory’ (Mexico):

Places of memory and living traditions of the Otomí-Chichimecas people of Tolimán: the Peña de Bernal, guardian of a sacred territory was inscribed on the Representative List in 2009.

In 2005, the Government of the State of Querétaro initiated an important project to promote research, safeguarding and sustainable use of the cultural and natural heritage of the Otomí Chichimeca people, who live in Querétaro’s semi-desert. The government did this through an inter-institutional and multidisciplinary commission composed of representatives from the Department of Urban Development and Public Works, (SDUOP), the Department of Sustainable Development (SEDESU), the Tourism Department (SECTUR) of the state cabinet and the National Commission of the Development of Indigenous Populations (CDI) and the National Institute of Anthropology and History (INAH) of the Federal Government.

Under this commission, investigations were carried out by the CDI, the INAH and the SEDESU in the region that revealed community concerns about their natural and cultural heritage. In 2006, a process of community participation was thus started to discuss safeguarding and the nomination of the places of memory and living traditions of the Otomí-Chichimecas people of Tolimán to the Representative List. The consultation with the communities concerned in this nomination was very extensive. It was divided into different stages:

1. Two information and consultation meetings were held with the four municipal city councils of the region;
2. Two information and consultation meetings were held with civil and religious authorities as well as community representatives;
3. A wide-ranging community consultation was conducted through five participative sub-regional workshops and an opinion poll in 1,195 households. Around 400 people participated in these workshops including the traditional authorities of the community concerned, such as caretakers, preachers, members of the traditional dance groups, owners of chapels, and members of the State Council of Native People of Querétaro;
4. Over 600 proposals for safeguarding measures were received in this process; these were summarized at a Regional Forum where community members formulated a Declaration, undersigned by hundreds of community members and incorporated into the nomination file.

A management body for implementing the safeguarding measures, and more broadly promoting natural and cultural heritage conservation and development in the region, was established. It is called the Intersectional Commission for the Conservation and the Development of the Places of Memory and Living Traditions of the Otomí-Chichimecas People of Tolimán. This commission will coordinate non-governmental community organizations and governmental authorities on the three levels of government. It will accommodate representatives of community organizations from each community. It will also include representatives from the National Board for Culture and Arts (CONACULTA), the National Institute of Anthropology and History (INAH), the Department of Social Development (SEDESOL), the National Commission for the Development of Indigenous Populations (CDI) will participate. Government Departments of Sustainable Development, Health, Urban Development and Public Works, Education, Tourism and Planning and Finances will be represented; as will the four municipalities of the area (Cadereyta, Colón, Ezequiel Montes and Tolimán).

## Possible mechanisms of community participation:

Workshops, meetings and consultations, polls, press releases and media campaigns can be organized at different levels, and with different stakeholders, for purposes such as:

* Providing information about the Convention
* Raising awareness about ICH, both in general and in respect of specific elements.
* Identifying and defining elements of ICH
* Identifying the communities or groups concerned
* Facilitating communication within the community or group
* Facilitating communication between the communities concerned, outside experts, government agencies and NGOs
* Sharing information (where appropriate) about the ICH of one or more communities
* Gauging community interest in safeguarding their ICH or part of it
* Deciding whether or not to safeguard one or more ICH elements
* Identifying values and functions associated with specific elements
* Identifying threats, if any, faced by specific elements
* Sharing skills in ICH safeguarding
* Developing safeguarding plans
* Evaluating on-going safeguarding actions
* Deciding whether or not to nominate a specific element
* Developing nominations
* Lobbying for support for safeguarding

## Community consents

The free, prior and informed consent of the relevant communities, groups and individuals is required for the development and submission of nomination files to the Convention’s Lists, including the development of a safeguarding plan as part of the nomination file. The manner in which this consent is reached may differ from one case to the other.

It should be clear, however, that:

* ‘Prior’ means that the communities were informed well beforehand and have had the time for consultation and deliberation;
* ‘Informed’ means that they discussed the effects of inscription and safeguarding, and were informed of their right to agree or not to agree with the proposal;
* ‘Free’ means that no pressure was exerted on them from outside when the community was in the process of making up its mind.

The manner in which this consent is given is left open, so States Parties may submit files with written consents, or consents given via audio or video materials. The latter mode of consent may be preferable in certain situations, such as where the communities, groups and individuals concerned feel more comfortable with verbal consent. It should be noted that communities, groups and individuals can at any time withdraw their consent for the nomination or inscription of an element on the Convention’s lists. A problem may arise when some in the community are not willing to give that consent, whereas others are.

# RAT 2.7 Lesson plan: The process of ratification

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| **Title of activity: Ratification 2.7 – Ratification procedures** |
| Duration: 1.5 hours |
| Objective(s): Understand the process of ratification. Develop an understanding, through case studies, of the different strategies for ratification adopted in some of the States Parties. |
| Description:   1. Presentation 2.7    * The process of ratification    * Model instrument of ratification (Hand-out 2.7.2 – model instrument)    * The pattern of ratification: speed, spread, gaps (Hand-out 2.7.1 – list)    * Regionally different implications of ratification for membership of the IGC    * Possible paths to ratification    * Case studies: Croatia, Brazil, Kenya (Hand-out 2.7.3 – case studies) 2. Review participants answers to quiz questions (Hand-out 2.1) |
| Supporting documents:   * Presentation 2.7 plus narrative * Hand-out 2.7.1 List of States Parties * Hand-out 2.7.2 Model instrument of ratification * Hand-out 2.7.3 Ratification case studies |

# RAT 2.7 Presentation: Ratifying the Intangible Heritage Convention

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# RAT 2.7 Narrative: Ratifying the Intangible Heritage Convention

## Slide 1. Ratifying the Intangible Heritage Convention

## Slide 2. In this presentation…

This presentation will discuss the following issues:

* Process of ratification
* Pattern of ratification
* Paths to ratification
* Case studies

## Slide 3. Process of ratification

Member States of UNESCO :

* May ratify, accept or approve the Convention
* Using an instrument of ratification
* And deposit it with the Director-General of UNESCO,
* Duly signed by the head of state, the head of government, or the minister of foreign affairs

The provisions of the Convention only apply in the territories of the States that are party to the Convention and in activities conducted between these states. In order to become States Parties to the Convention, Member States of UNESCO have to deposit an instrument of ratification (or of acceptance, or approval) with the Director-General of UNESCO. States that are not members of UNESCO may become States Parties to the Convention by depositing an instrument of accession. For any state submitting an instrument of ratification, acceptance, approval or accession in good order, the Convention enters into force three months after the deposit (duly acknowledged) of its instrument of ratification.

Ratification is ‘the international act ... whereby a State establishes on the international plane its consent to be bound by a treaty’ (Article 2(1)(b) of the Vienna Convention on the Law of Treaties). Acceptance, approval and accession have the same legal effects as ratification. So far, 7 States Parties have approved the Convention, 19 have accepted it and the remainder (107) have ratified it.

The instrument of ratification (or of acceptance, approval or accession) has to be signed by the head of state, the head of government, or the minister of foreign affairs.

When it deposits its instrument of ratification (or of acceptance, approval or accession), a state may declare not to be bound by Article 26.1 of the Convention (see Article 26.2). A state may also declare it will not be bound by other articles of the Convention.

Article 32 says that the Convention shall be subject to ratification, acceptance or approval by States Members of UNESCO in accordance with their respective constitutional procedures. The instruments of ratification, acceptance or approval shall be deposited with the Director-General of UNESCO.

Article 33 says

1) that the Convention shall be open to accession by all States not Members of UNESCO that are invited by the General Conference of UNESCO to accede to it.

(2) that the Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

(3) that the instrument of accession shall be deposited with the Director-General of UNESCO (see also Article 2.5 of the Convention).

Four states of the 133 who have ratified so far have declared that they shall not be bound by Article 26.1.

Several states also made other declarations when sending their instrument to Paris, see website <http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html#RESERVES>

## Slide 4. Patterns of Ratification – 1

The Intangible Heritage Convention has been rapidly ratified: 133 states have done so to date (well over two thirds of the 193 Member States of UNESCO). The graph shows that the peak of ratifications occurred in 2006, the year of entry into force of the Convention.

## Slide 5. Patterns of Ratification – 2

Among the states that have not yet ratified the Convention are Angola, Australia, Canada, the Democratic Republic of the Congo, Germany, Libya, the Netherlands, New Zealand, Russia, South Africa, the United States of America and the United Kingdom.

## Slide 6. Committee seats per electoral group (2010-2012)

There are 24 seats in the Intergovernmental Committee; all 6 electoral groups have at least three seats in the Committee. The remaining six seats are allocated on a proportional basis to electoral groups, depending on the number of States Parties in each electoral group. The General Assembly renews half of the States Members of the Committee every two years.

At present (i.e. from June 2010 to June 2012, the composition of the Committee is as follows:

* Group I (W. Europe) – 15 States, 3 seats (Cyprus, Italy, Spain)
* Group II (E. Europe) – 22 States, 4 seats (Albania, Azerbaijan, Croatia, Czech Republic)
* Group III (S. America) – 25 States, 5 seats (Cuba, Grenada, Nicaragua, Paraguay, Venezuela)
* Group IV (Asia Pacific) – 22 States, 5 seats (China, India, Iran, Japan, Korea)
* Group V(a) (Africa) – 28 States, 4 seats (Burkina Faso, Kenya, Madagascar, Niger)
* Group V(b) (Arab states) – 15 States, 3 seats (Jordan, Morocco, Oman)

Due to an agreement made between groups IV and V(a) in 2008 one rest seat was allocated for the first two years to group V(a) and for the second two years to group IV; this explains why group V(a) in spite of the large numbers of States Parties only has four seats in the period 2010 – 2012. It may be expected that from 2012-2014 Sub-Saharan Africa will have five seats. Every two years the General Assembly does not just renew half of the seats, but it has also to adapt the numbers of seats per region – if this is necessary in view of changing proportions of States Parties from the various regions.)

## Slide 7. Towards ratification

States should send to UNESCO the original instrument of ratification, signed by the head of state, the head of government, or the minister of foreign affairs. The instrument has to be drawn up in one of the six official languages of the UN system, or if drawn up in another language, accompanied by an official translation in one of these six languages. Upon reception by the Director-General of UNESCO, any instrument of ratification is studied by the Department of Legal Affairs of UNESCO to assess whether it is in good order. If this is not the case, contact will be taken up with the state concerned, in order to regularize the situation. This may considerably delay the date of that state becoming a State Party. Article 34 of the Convention stipulates that the Convention enters into force for any State Party three months after the deposit of its instrument.

Participants may read the following in their hand-out on Paths to Ratification (2.7.3):

There are many paths to ratifying the Convention depending on procedures and processes in each individual state. In most states parliament has to authorize ratification but even then normal procedures may take from a few months to several years. Procedures in federal states may be very complex.

Various different stakeholders may be involved in starting actions that may lead to ratification:

* The relevant government ministry(ies), or an interested minister;
* NGOs, universities, research or documentation institutions;
* A community, or communities;
* Individual experts or otherwise interested persons.

Before and during the ratification process, all relevant parties should be informed about the Convention, what benefits ratifying it may bring, and what obligations it may impose. Knowing more about the intangible heritage in the territory of the state might inform a discussion about the implications of ratification. Existing structures, organizations, networks, legislation and policies that might affect or be used in the safeguarding of intangible heritage should be taken into account.

At the end of the day – in most countries – the relevant government ministry or ministries will have to prepare a report, and present it to the cabinet, which will have to take the decision whether to propose or not to propose to parliament that the state ratify the Convention.

If parliament agrees, the head of state, the head of government, or the minister of foreign affairs will eventually sign an instrument of ratification that will then be sent to the Director-General of UNESCO. Three months after the acceptance by UNESCO of the instrument, the state becomes a State Party to the Convention.

The facilitator may discuss various activities as indicated in Hand-out 5.7.3.

## Slide 8. Case Studies

To illustrate the use of some ratification strategies, the facilitator may present a couple of the case studies in Hand-out 5.7.3.

## Slide 9: Croatia

See Hand-out 5.7.3

## Slide 10: Brazil

See Hand-out 5.7.3

## Slide 11: Kenya

See Hand-out 5.7.3

# RAT 2.7.1 Hand-out: List of States Parties

This is the list of States Parties to the Intangible Heritage Convention as of 15 December 2010.

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|  | **States** | **Date of deposit of instrument** | **Type of instrument** |
| 1 | Afghanistan | 30/03/2009 | Acceptance |
| 2 | Albania | 04/04/2006 | Ratification |
| 3 | Algeria | 15/03/2004 | Approval |
| 4 | Argentina | 09/08/2006 | Ratification |
| 5 | Armenia | 18/05/2006 | Acceptance |
| 6 | Austria | 09/04/2009 | Ratification |
| 7 | Azerbaijan | 18/01/2007 | Ratification |
| 8 | Bangladesh | 11/06/2009 | Ratification |
| 9 | Barbados | 02/10/2008 | Acceptance |
| 10 | Belarus | 03/02/2005 | Approval |
| 11 | Belgium | 24/03/2006 | Acceptance |
| 12 | Belize | 04/12/2007 | Ratification |
| 13 | Bhutan | 12/10/2005 | Ratification |
| 14 | Bolivia (Plurinational State of) | 28/02/2006 | Ratification |
| 15 | Bosnia and Herzegovina | 23/02/2009 | Ratification |
| 16 | Botswana | 01/04/2010 | Acceptance |
| 17 | Brazil | 01/03/2006 | Ratification |
| 18 | Bulgaria | 10/03/2006 | Ratification |
| 19 | Burkina Faso | 21/07/2006 | Ratification |
| 20 | Burundi | 25/08/2006 | Ratification |
| 21 | Cambodia | 13/06/2006 | Ratification |
| 22 | Central African Republic | 07/12/2004 | Ratification |
| 23 | Chad | 17/06/2008 | Ratification |
| 24 | Chile | 10/12/2008 | Ratification |
| 25 | China | 02/12/2004 | Ratification |
| 26 | Colombia | 19/03/2008 | Ratification |
| 27 | Costa Rica | 23/02/2007 | Ratification |
| 28 | Côte d'Ivoire | 13/07/2006 | Ratification |
| 29 | Croatia | 28/07/2005 | Ratification |
| 30 | Cuba | 29/05/2007 | Ratification |
| 31 | Cyprus | 24/02/2006 | Ratification |
| 32 | Czech Republic | 18/02/2009 | Acceptance |
| 33 | Democratic People's Republic of Korea | 21/11/2008 | Ratification |
| 34 | Democratic Republic of the Congo | 28/09/2010 | Ratification |
| 35 | Denmark | 30/10/2009 | Approval |
| 36 | Djibouti | 30/08/2007 | Ratification |
| 37 | Dominica | 05/09/2005 | Ratification |
| 38 | Dominican Republic | 02/10/2006 | Ratification |
| 39 | Ecuador | 13/02/2008 | Ratification |
| 40 | Egypt | 03/08/2005 | Ratification |
| 41 | Equatorial Guinea | 17/06/2010 | Ratification |
| 42 | Eritrea | 07/10/2010 | Ratification |
| 43 | Estonia | 27/01/2006 | Approval |
| 44 | Ethiopia | 24/02/2006 | Ratification |
| 45 | Fiji | 19/01/2010 | Ratification |
| 46 | France | 11/07/2006 | Approval |
| 47 | Gabon | 18/06/2004 | Acceptance |
| 48 | Georgia | 18/03/2008 | Ratification |
| 49 | Greece | 03/01/2007 | Ratification |
| 50 | Grenada | 15/01/2009 | Ratification |
| 51 | Guatemala | 25/10/2006 | Ratification |
| 52 | Guinea | 20/02/2008 | Ratification |
| 53 | Haiti | 17/09/2009 | Ratification |
| 54 | Honduras | 24/07/2006 | Ratification |
| 55 | Hungary | 17/03/2006 | Ratification |
| 56 | Iceland | 23/11/2005 | Ratification |
| 57 | India | 09/09/2005 | Ratification |
| 58 | Indonesia | 15/10/2007 | Acceptance |
| 59 | Iran (Islamic Republic of) | 23/03/2006 | Ratification |
| 60 | Iraq | 06/01/2010 | Ratification |
| 61 | Italy | 30/10/2007 | Ratification |
| 62 | Jamaica | 27/09/2010 | Ratification |
| 63 | Japan | 15/06/2004 | Acceptance |
| 64 | Jordan | 24/03/2006 | Ratification |
| 65 | Kenya | 24/10/2007 | Ratification |
| 66 | Kyrgyzstan | 06/11/2006 | Ratification |
| 67 | Lao People's Democratic Republic | 26/11/2009 | Ratification |
| 68 | Latvia | 14/01/2005 | Acceptance |
| 69 | Lebanon | 08/01/2007 | Acceptance |
| 70 | Lesotho | 29/07/2008 | Ratification |
| 71 | Lithuania | 21/01/2005 | Ratification |
| 72 | Luxembourg | 31/01/2006 | Approval |
| 73 | Madagascar | 31/03/2006 | Ratification |
| 74 | Malawi | 16/03/2010 | Ratification |
| 75 | Mali | 03/06/2005 | Ratification |
| 76 | Mauritania | 15/11/2006 | Ratification |
| 77 | Mauritius | 04/06/2004 | Ratification |
| 78 | Mexico | 14/12/2005 | Ratification |
| 79 | Monaco | 04/06/2007 | Acceptance |
| 80 | Mongolia | 29/06/2005 | Ratification |
| 81 | Montenegro | 14/09/2009 | Ratification |
| 82 | Morocco | 06/07/2006 | Ratification |
| 83 | Mozambique | 18/10/2007 | Ratification |
| 84 | Namibia | 19/09/2007 | Ratification |
| 85 | Nepal | 15/06/2010 | Ratification |
| 86 | Nicaragua | 14/02/2006 | Ratification |
| 87 | Niger | 27/04/2007 | Ratification |
| 88 | Nigeria | 21/10/2005 | Ratification |
| 89 | Norway | 17/01/2007 | Ratification |
| 90 | Oman | 04/08/2005 | Ratification |
| 91 | Pakistan | 07/10/2005 | Ratification |
| 92 | Panama | 20/08/2004 | Ratification |
| 93 | Papua New Guinea | 12/09/2008 | Ratification |
| 94 | Paraguay | 14/09/2006 | Ratification |
| 95 | Peru | 23/09/2005 | Ratification |
| 96 | Philippines | 18/08/2006 | Ratification |
| 97 | Portugal | 21/05/2008 | Ratification |
| 98 | Qatar | 01/09/2008 | Ratification |
| 99 | Republic of Korea | 09/02/2005 | Acceptance |
| 100 | Republic of Moldova | 24/03/2006 | Ratification |
| 101 | Romania | 20/01/2006 | Acceptance |
| 102 | Saint Lucia | 01/02/2007 | Ratification |
| 103 | Saint Vincent and the Grenadines | 25/09/2009 | Ratification |
| 104 | Sao Tome and Principe | 25/07/2006 | Ratification |
| 105 | Saudi Arabia | 10/01/2008 | Acceptance |
| 106 | Senegal | 05/01/2006 | Ratification |
| 107 | Serbia | 30/06/2010 | Ratification |
| 108 | Seychelles | 15/02/2005 | Ratification |
| 109 | Slovakia | 24/03/2006 | Ratification |
| 110 | Slovenia | 18/09/2008 | Ratification |
| 111 | Spain | 25/10/2006 | Ratification |
| 112 | Sri Lanka | 21/04/2008 | Acceptance |
| 113 | Sudan | 19/06/2008 | Ratification |
| 114 | Switzerland | 16/07/2008 | Ratification |
| 115 | Syrian Arab Republic | 11/03/2005 | Ratification |
| 116 | Tajikistan | 17/08/2010 | Ratification |
| 117 | The former Yugoslav Republic of Macedonia | 13/06/2006 | Ratification |
| 118 | Togo | 05/02/2009 | Ratification |
| 119 | Tonga | 26/01/2010 | Acceptance |
| 120 | Trinidad and Tobago | 22/07/2010 | Ratification |
| 121 | Tunisia | 24/07/2006 | Ratification |
| 122 | Turkey | 27/03/2006 | Ratification |
| 123 | Uganda | 13/05/2009 | Ratification |
| 124 | Ukraine | 27/05/2008 | Ratification |
| 125 | United Arab Emirates | 02/05/2005 | Ratification |
| 126 | Uruguay | 18/01/2007 | Ratification |
| 127 | Uzbekistan | 29/01/2008 | Ratification |
| 128 | Vanuatu | 22/09/2010 | Ratification |
| 129 | Venezuela (Bolivarian Republic of) | 12/04/2007 | Acceptance |
| 130 | Viet Nam | 20/09/2005 | Ratification |
| 131 | Yemen | 08/10/2007 | Ratification |
| 132 | Zambia | 10/05/2006 | Approval |
| 133 | Zimbabwe | 30/05/2006 | Acceptance |

# RAT 2.7.2 Hand-out: Model Instrument of Ratification/Acceptance/ Approval/Accession

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| --- |
| WE ……………………………………………………………………………………………………………  (NAME OF HEAD OF STATE or GOVERNMENT or MINISTER FOR FOREIGN AFFAIRS)  of  …………………………………………………………………………………………………………  (COUNTRY)  Having seen and examined UNESCO’s CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE (2003)  By virtue of the powers vested in us, have approved it and do approve it in its entirety and in each part, in accordance with the provisions therein contained,  Declare that we ratify/accept/approve/accede to the said Convention in accordance with Articles 32 and 33 thereof, and vow that it shall be scrupulously observed,  IN WITNESS WHEREOF we have deposited this instrument of ratification/acceptance/approval/accession, to which we have affixed our seal.  Done at *(place)*………………………………………………………  On *(date)*………………………………………………………………  *(Seal)*  *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*  *(Signed)*  HEAD OF STATE/HEAD OF GOVERNMENT/  MINISTER FOR FOREIGN AFFAIRS |

# RAT 2.7.3 Hand-out: Paths to Ratification of the Intangible Heritage Convention

Member States of UNESCO that have deposited - in good order - an instrument of ratification (or of acceptance, or approval) with the Director-General of UNESCO may become States Parties to the Convention. States that are not members of UNESCO may deposit an instrument of accession.

Ratification is ‘the international act ... whereby a State establishes on the international plane its consent to be bound by a treaty’ (Article 2(1)(b) of the Vienna Convention on the Law of Treaties). Acceptance, approval and accession have the same legal effects as ratification. In the remainder of this hand-out, the word ratification is used to describe the process of ratification, acceptance, approval or accession.

There are many paths to ratification of the Convention depending on procedures and processes in each individual state. In most states parliament has to authorize ratification but even then normal procedures may take from a few months to several years. Procedures in federal states may be very complex.

Various different stakeholders may be involved in starting the ratification process:

* The relevant government ministry(ies), or an interested minister;
* NGOs, universities, research or documentation institutions;
* A community, or communities;
* Individual experts or otherwise interested person.

During the ratification process, all relevant parties should be informed about the Convention, what benefits ratifying it may bring, and what obligations it may impose. Knowing more about the intangible heritage in the territory of the state might inform a discussion about the implications of ratifying the Convention. Existing structures, organizations, networks, legislation and policies that might affect the safeguarding of intangible heritage should be taken into account.

In most countries the relevant government ministry or ministries has to prepare a report, presented to the Cabinet by the minister(s) concerned. The Cabinet will then have to take the decision whether to propose or not to propose to parliament that the state ratify the Convention. If parliament agrees to ratification, the head of state, the head of government, or the minister of foreign affairs will eventually sign an instrument of ratification that will then be sent to the Director-General of UNESCO.

|  |
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| The absence of structures, networks or legislation to support implementing the Convention need not delay ratification in a country. When this country becomes a State Party, however, it will have to organize itself thoroughly before it can start implementing the Convention.  A country may also ratify the Convention if it has not yet compiled one or more ICH inventories of the ICH in its territory. Nothing in the Convention requires or requests a country before ratification to have started inventorying, or to have ICH-related legislation or policies. Ideally, however, existing ICH-related initiatives and regulations will be assessed and plans will be made for implementing the Convention effectively on the national level during the preparation of ratification. |

In the ratification process, activities might include:

**Raising broad awareness about ICH, the Convention and the value of ratifying it**

(Note: This is optional, though important for inclusion in report that will be offered to cabinet and in proposal to parliament)

* Translation of the text of the Convention into national or local languages (by the relevant ministry, local authorities, NGOs or other institutions);
* Media campaigns and mobilization (including campaigns on social media such as Facebook). These can be initiated by communities, NGOs, etc. informing the press but also lobbying the media.
* Collecting information on possible previous and current inventorying or safeguarding activities that have been/are going on in the country
* Collecting information material from UNESCO and from states in the region that are already States Parties
* Asking UNESCO for support for information or capacity building meetings

**Stakeholder involvement**

(This can be initiated and organized by communities, NGOs, government agencies, and may need to involve various other stakeholders who may be future partners in safeguarding)

* Consultations with/among communities to inform them of the objectives and principles of the Convention, discuss any problems they face in safeguarding their ICH and whether ratifying the Convention may assist them in doing so
* Establishing cooperation, trust, networks among future partners in safeguarding
* Consultation with/among NGOs and community organizations
* Consultation with/among researchers and their institutions
* Creation of informal networks

**Lobbying**

* Lobbying with relevant government agencies, with members of parliament (by NGOs, communities, members of parliament)
* Lobbying to increase press coverage

**Technical preparation**

(This is optional, but could be useful in preparing for the implementation of the Convention. It should preferably be done by or in coordination with the ministry(ies) concerned)

* Review, revision or adoption of national laws and policies to safeguard ICH (creating a national policy or law on ICH is not a prerequisite for ratifying the Convention – national authorities, parliamentary commissions, experts)
* Setting up a national coordinating committee on ICH

**The official process may include**

* Preparing a report for the Cabinet on legal, financial and social implications of ratification (compiled by the relevant ministry/ies)
* Gaining Cabinet approval for ratification
* Informing (members of) parliament, relevant ministries, and Cabinet leading to approval by parliament
* Signing the instrument of ratification (this has to be done by the head of state, the head of government, or the minister of foreign affairs)
* Sending instrument of ratification (etc.) to the Director-General of UNESCO

## Example: Croatia[[13]](#footnote-13)

* History of local anthropological and ethnological research since the 19th century, led to the existence of a strong expert community.
* In 1999, the first inclusion of Intangible Cultural Heritage in law, as part of judicial review after independence.
* In 2000 a major exhibition (‘Croatian Folk Culture at the cross roads of worlds and eras’) was organized under the auspices of the Ministry of Culture presenting material and non material aspects of that culture; a voluminous catalogue, identifying many aspects of the ICH present in Croatia, was published and widely disseminated.
* In UNESCO Croatia supported the elaboration of the 2003 Convention.
* In 2004, the Minister of Culture appointed the first national committee for intangible cultural heritage, with 4 very active members, mainly anthropologists and other experts.
* Croatia submitted a file for the Masterpieces programme in 2003 and 2005; the nominated elements were inscribed on the RL in 2009
* A supportive Minister was very keen to see progress on the implementation of the Convention so he supervised the preparations for ratification and expanded the National ICH Committee from 4 to 20 members.
* Croatia ratified the Convention in 2005.

## Example: Brazil[[14]](#footnote-14)

* The Brazilian Institute of Education, Science, and Culture (IBECC) was established in 1946. The National Commission of Folklore was then created under IBECC, whose function was to link regional commissions in every state and to promote the research and dissemination of information about folklore.
* In 1958, the Campaign for the Defence of Brazilian Folklore was established under the Ministry of Education and Culture. The campaign was incorporated into the National Foundation of Art as the National Institute of Folklore in 1976, and in 1997, its name was altered to become the Centre for National Folklore and Popular Culture (IPHAN).
* Ethnological and anthropological research was increasingly performed under strict protocols that gave some measure of control to the communities concerned.
* In 1988, the Federal Constitution of Brazil recognized both tangible and intangible heritage to be part of Brazilian cultural heritage.
* In 2000, Brazil established the Registry of Intangible Cultural Heritage and created the National Program of Intangible Heritage (PNPI), to implement the inventorying, referencing, and valuation of intangible heritage.
* Brazil co-organized with UNESCO an intergovernmental meeting in Rio in January 2002 on domains of ICH that could be included in the future Convention; participated actively in the preparation of the Convention during the meetings in Paris.
* The ratification process proceeded smoothly through the Ministry of Culture, Congress, the Chamber of Deputies, and Parliament.
* Brazil ratified the Convention in 2006.

## Example: Kenya[[15]](#footnote-15)

* The Ministry of Culture was involved in negotiations around the Convention – included local practitioner representatives.
* The Ministry of Culture developed an implementation ratification plan.
* The Ministry of Culture held a workshop with community stakeholders to make them acquainted with the contents of the Convention.
* The Ministry of Culture lobbied different ministries dealing with culture, for example the Ministries of Environment, Education, Internal Security and provincial administrations.
* The Ministry of Culture engaged with UNESCO and analysed what other countries were doing.
* The Ministry of Culture consulted with other institutions looking at how to domesticate the various aspects of the Convention.
* In 2004 UNESCO and the Kenyan government organized a regional information meeting in Kenya that involved eastern and southern African States. The meeting aimed at informing those states about the Convention and encouraging them to ratify it. Kenya the experiences of other countries to develop the Kenyan ratification plan and to brief ministers and the members of Parliament in the lobbying process.
* Kenya delayed developing the national cultural policy to include the sentiments of the Convention; used the stakeholder consultation process for the national cultural policy to discuss the issues around the Convention.
* A Culture Committee was established as part of the constitutional review process.
* The Culture Committee recommended a cultural chapter in the constitution.
* The Culture Committee requested that the Cabinet ratify the Convention.
* Kenya ratified the Convention in 2007.

# RAT 2.8 Lesson plan – Strategies and experiences of ratification

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| **Title of activity: Ratification 2.8 – Country experiences** |
| Duration: 1 hour |
| Objective(s): Discussion of any problems identified by the participants related to the ratification of the Convention in their countries and raising suggestions about how they might be addressed. |
| Description:   1. Discuss key problems and likely solutions faced by various countries in regard to ratification |
| Supporting documents:   * Facilitator’s notes 2.8 |

Notes and suggestions:

In this session the participants will discuss, from their own perspectives, opportunities, as well as issues and problems their countries are faced with in regard to ratification of the Convention. This session will consist essentially of a very brief report on these issues by participants, in plenary, followed by a discussion, guided by the facilitator.

Participants should be encouraged to discuss possible scenarios towards ratification in their countries. However, participants will probably hold very different positions in their countries, ranging from ministerial employees to workers the NGO sector and community representatives, and they may have different professional backgrounds, from lawyers to ICH experts. Their own roles in processes of ratification, if any, will thus differ depending on their jobs, expertise, their understanding of the national situation and its sensitivities and, of course, their understanding of the benefits and obligations that accompany ratification of the Intangible Heritage Convention.

The facilitator should not play too didactic or advisory a role in this discussion, as UNESCO is not expected to interfere in the internal affairs of Member States that consider ratifying its Conventions. Of course, the Director-General of UNESCO encourages ratification of all UNESCO Conventions by all Member States, so the facilitator, who is leading a workshop under the auspices of UNESCO, may express the hope that all countries represented in the workshop that have not yet ratified the Intangible Heritage Convention will seriously consider doing so.

The facilitator should be aware that not all Member States of UNESCO will want to ratify the Convention. Some states may have difficulty with the principles behind the Convention, or specific concerns about the possible political or financial consequences of ratifying the Convention. Others may have questions that are easily addressed through the provision of training material. Participants should be reminded that on an individual basis States Parties and their delegations to UNESCO may at any time seek assistance and advice from the Intangible Heritage Section in UNESCO around ratification of the Convention.

In this session, therefore, the facilitator may clarify matters of fact and facilitate discussion rather than steering the discussion. The facilitator may also take notes on opportunities and obstacles to ratification in various countries, as described by participants, which, with the permission of the participants, s/he will submit to the UNESCO Section on Intangible Heritage with his/her report about the workshop. This will assist the Section in their understanding of possible problems in the ratification of the Convention.

Some information that the facilitator may wish to have at ready disposal during this session is provided below:

Ratification of the Intangible Heritage Convention does not involve many strong obligations, nor does it commit States Parties to specific types or significant levels of expenditure other than for drawing up their inventories and some safeguarding efforts. Developing states may seek some funding from the ICH Fund to engage in safeguarding, inventorying and capacity building activities. States Parties may also exempt themselves from Article 26(1) – an article specifying obligatory contributions to the ICH Fund. Existing institutions are often well equipped and motivated to support the implementation of the Convention at the national level, for example to undertake inventorying tasks.

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

|  |
| --- |
| Article 11.a – States Parties shall take the necessary measures to ensure the safeguarding of the ICH present in its territory.  Article 15 – States Parties shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals in safeguarding  States Parties also need to inventory this heritage:  Article 11.b – States Parties *shall* identify and define the ICH present in its territory, with community participation  Article 12 – States Parties *shall* draw up and update one or more inventories of the ICH present in its territory.  And States Parties have a few administrative and financial obligations too:  Article 26 – States Parties *undertake* to pay contributions into the Fund for the Safeguarding of the Intangible Cultural Heritage.  Article 29 and 30 – States Parties *shall* report about the implementation of the Convention at the national level.  All other activities mentioned in the Convention and its Operational Directives are recommendations rather than strict obligations of States Parties. |

There are a number of advantages of becoming a State Party to the Convention, and implementing it:

* Better safeguarding of the ICH nationally, contributing to:
  + Well-being of communities;
  + Respect and understanding between communities;
  + Cultural diversity, also on the national level; and
  + Sustainable development including appropriate and respectful tourism.
* Receiving international assistance for safeguarding the intangible heritage present in the country;
* Nominating elements to the Lists and seeing them inscribed;
* Drawing attention to and sharing its own good safeguarding practices internationally through the Register;
* Sharing ICH expertise and good practices internationally – profiting from skills and information exchanges under the various activities of the Convention;
* Consolidating good relations with other states through cooperation on the regional and international level, e.g. by nominating intangible heritage that is shared across international borders to the Convention’s lists; and
* Participating in the organs of the Convention.

Remind participants that the Convention does not speak about intellectual property rights on ICH: it is up to each country to regulate such rights on the national level. In this process they may be inspired by the work of WIPO on . The Member States of WIPO (by the way largely the same states as the Member States of UNESCO) are studying the possibilities for regulating IPRs on traditional expression on the international level. For more information see the WIPO website:

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

# RAT 2.9 Lesson plan – Evaluation of the workshop

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| **Title of activity: Ratification – 2.9 evaluation of the workshop** |
| Duration: 30 mins |
| Objective(s): Evaluate the training workshop |
| Description:   1. Facilitator hands out evaluation form and explains need for anonymity 2. 10 mins written evaluation 3. 15 mins oral evaluation and discussion |
| Supporting documents:   * Hand-out 2.9 – evaluation form |

**Intangible Heritage Convention Ratification Workshop**

# RAT 2.9 Hand-out: Evaluation form

Frank answers will be helpful to us as we plan our future activities in this project. Please do not sign your name. Omit any questions that do not apply to you.

|  |  |  |  |
| --- | --- | --- | --- |
| **Lodging** – where did you stay? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | |
|  | Quality, cleanliness, comfort of guest house | poor  average  excellent | |
|  | Location of guest house (convenience, safety) | poor  average  excellent | |
| **Transport between guest house and workshop venue** | | poor  average  excellent | |
| **Workshop meeting rooms and facilities** | | | |
|  | Comfort and suitability of large meeting rooms | poor  average  excellent | |
|  | Quality of snacks and beverages during coffee breaks | poor  average  excellent | |
|  | Quality of lunches | poor  average  excellent | |
| **Schedule** | | | |
|  | Length of workshop | too long  just right  too short | |
|  | Daily schedule | too long  just right  too short | |
|  | Lunch breaks | too long  just right  too short | |
| **Workload** | | | |
|  | Workload in preparing for the workshop | too much  just right  too little | |
|  | Workload in the workshop | too much  just right  too little | |
| **Amount of teaching materials** | | | |
|  | Workshop documents | | too many  just right  too few |
|  | Slide presentations | | too many  just right  too few |
| **Difficulty of teaching materials** | | | |
|  | Workshop documents | | too difficult  just right  too easy |
|  | Slide presentations | | too difficult  just right  too easy |
| **Facilitator(s)** | | | |
|  | Facilitators’ knowledge and experience | | not enough  average  excellent |
|  | Facilitators’ teaching style and effectiveness | | poor  average  excellent |
|  | Facilitators’ understanding of trainees’ backgrounds and needs | | poor  average  excellent |
|  | Facilitators’ level of preparation for workshop sessions | | poor  average  excellent |
|  | Facilitators’ sensitivity to working context | | poor  average  excellent |
| **Usefulness of this workshop for your work and career** | | | |
|  | To what extent does this workshop bring you new skills and knowledge? | | no new skills  some new skills  many new skills |
|  | Will the workshop experience be useful if you have to help your country ratify the Convention? | | not useful  quite useful  very useful |
|  | How useful will any new skills and knowledge be to you in your present position? | | not useful  quite useful  very useful |
|  | How useful will these skills and knowledge be in the long run as you develop your career? | | not useful  quite useful  very useful |
|  | Will your office support your future participation in the implementation of the Convention? | | yes  no  don’t know |

What part of the workshop did you find most interesting?

What part of the workshop did you find least interesting?

What suggestions can you offer the organizers to improve future workshops (continue on back of sheet)?

1. See the ICH Fact Sheets, UNESCO ICH Kit http://www.unesco.org/culture/ich/doc/src/01858-EN.pdf [↑](#footnote-ref-1)
2. Not all of these criteria (such as authenticity) are compatible with the spirit of the Convention itself, but the Convention allows for considerable leeway in the development of inventories by States Parties. [↑](#footnote-ref-2)
3. This form is adapted from the one presented on UNESCO’s website (<http://www.unesco.org/culture/ich/doc>); please note, that this form presents a suggestion only – it can be used as a basis for discussions leading to a new questionnaire that is well suited for local or national circumstances. Please note that inventories are meant to identify and define, not to fully document ICH elements. The answers to questions 1 to 5 need not be more than 1000 words in all; that should be enough for a good first identification of the element, its viability and any threats to viability. [↑](#footnote-ref-3)
4. Intangible Heritage Messenger, no.2, May 2007. Accessed at http://unesdoc.unesco.org/images/0015/001506/150671e.pdf [↑](#footnote-ref-4)
5. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010, p.10. [↑](#footnote-ref-5)
6. Batik nomination file, UNESCO website. See also L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010, p.20. [↑](#footnote-ref-6)
7. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010, pp.23-24. [↑](#footnote-ref-7)
8. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010, p.11. [↑](#footnote-ref-8)
9. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010. [↑](#footnote-ref-9)
10. See the ICH Fact Sheets, UNESCO ICH Kit http://www.unesco.org/culture/ich/doc/src/01858-EN.pdf [↑](#footnote-ref-10)
11. UNESCO, Intangible Heritage Beyond Borders: Safeguarding Through International Cooperation. Background Paper for UNESCO Meeting, Bangkok, 20 and 21 July 2010. [↑](#footnote-ref-11)
12. Background Paper for UNESCO Meeting, Intangible Heritage Beyond Borders: Safeguarding Through International Cooperation. Bangkok, 20 and 21 July 2010. [↑](#footnote-ref-12)
13. Interview with Dr. Tvrtko Zebek, UNESCO, 16 February 2010. [↑](#footnote-ref-13)
14. L. Lowthorp, ‘National Intangible Cultural Heritage (ICH) Legislation and Initiatives’, UNESCO-New Delhi Field Office, 2010; Interview with Dr Londres Fonseca, UNESCO, 16 February 2010. [↑](#footnote-ref-14)
15. Interview with Silverse Anami, UNESCO, 16 February 2010. [↑](#footnote-ref-15)