Unit 46

# SCENARIOS AND GAMES FOR DEVELOPING SAFEGUARDING PLANS

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# Facilitator’s narrative 4: Safeguarding a cheese-making tradition in kassen

#### Introduction

This scenario presents a fictitious example of a relatively well-defined ICH element, the practice of Fanoko cheese making, in peri-urban and rural settings in a developing country, Kassen. In this scenario, the rural and peri-urban parts of the Fan community maintain regular contacts. The discussion about including the element in the national inventory and its safeguarding happens in the context of community concerns about maintaining and modifying the practice of cheese making, as many young people move nearer to urban settlements to escape rural poverty and find jobs. Both, government support for sustainable development (although mainly focused on rural areas) and limited assistance for new trade initiatives are available. The community faces also problems and opportunities associated with private sectors’ interest in commercializing the product.

The example gives opportunities for participants to discuss ways of safeguarding the practice of Fanoko cheese making in the context of:

* debates about identifying the element for inventorying where different opinions are expressed within the community (as well as outside it);
* development strategies for rural and urban communities and groups;
* problems with the supply of ingredients for traditional cheese making;
* problems in transmitting skills to new cheese makers in peri-urban areas;
* health regulations that may limit the use of traditional ingredients and methods, especially in peri-urban areas;
* new initiatives by a non-Fan businessperson to commercialize the product and thus possibly misappropriate the ICH;
* potential new markets for the product in urban areas and internationally;
* potentially unsustainable harvesting of the plant used as a coagulating agent; and
* opportunities for different kinds of intellectual property protection that will have varying impact on safeguarding strategies.

This game is intended to be shorter than the other two games (only five sessions), and requires much less reading. The arrangement of materials for Kassen is thus somewhat different from Blika and Limnu.

During both the game and non-game versions of Kassen, participants will develop ideas for a safeguarding plan. The main difference will be that in the game version, the discussion is undertaken in role and in the non-game version no roles are assigned and thus the discussion is more general. Participants in the non-game version can imagine that they have been asked by the community concerned to advise them on possibilities for developing a safeguarding plan. In the game version, the facilitator will act as a junior lawyer specialized in intellectual property issues in the game, and will provide general intellectual property advice in the non-game version.

Participants in the game version will be given all ten identity cards, which replace the ‘meet your neighbours’ text to reduce reading time. The different perspectives of community members and other stakeholders are also taken into consideration in the non-game version (Kassen Hand-out 1 *Welcome to Kassen* provides additional information for the non-game version at the end).

Kassen Hand-out 4 and Hand-out 5 (*Blank sheets for reporting on group work* and *Guidance tasks and questions for group sessions*) are optional hand-outs that have been designed to assist participants in the group work, where the facilitator considers this necessary. Depending on the facilitator’s view on reading time required, these can be distributed to all players, only to scribes and chairs, or to none of the participants. In the latter case the facilitator can use the questions to guide discussion where needed.

After the group work, the scribe from each group will present their safeguarding plan to the plenary for discussion and review. After this session they will then (in their groups) consider the sample safeguarding plan (Kassen Hand-out 3) in relation to their own plan. This final session may be omitted if the facilitator feels that sufficient discussion has taken place. The sample safeguarding plan may then be circulated to participants for them to review in their own time.

Kassen session plan: game and non-game versions

The session plan below is merely a suggestion. Many other approaches can achieve an equally useful result. Facilitators may wish to split up session 3 into shorter sessions with more frequent report-backs for the non-game version.

| **Session** | **Time** | **Roles (game version)** | **Materials used by facilitator** | **Materials handed out to participants** |
| --- | --- | --- | --- | --- |
| 1: Preparing to play   * Introduce the setting * Introduce the roles (game version only) * Reading hand-outs * Assign roles (game version only), divide into groups (if necessary) | 2 hours  (1 for non-game) | Out of role | Unit 46 Kassen PPT | Kassen Hand-out 1 *Welcome to Kassen* (plus additional page for non-game version)  Kassen Hand-out 2 *Identity cards* (only for game version) |
| 2: Identifying element and communities   * Complete the tasks indicated in Kassen Hand-out 5: *Guidance tasks and questions* | 1.5 hours | Played in role | None or  Kassen Hand-out 4: *Blank sheets for reporting*  Kassen Hand-out 5: *Guidance tasks and questions* | Kassen Hand-out 4 *Blank sheets for reporting on group work*  Kassen Hand-out 5 *Guidance tasks and questions for group sessions* |
| 3: Developing a safeguarding plan   * Complete the tasks indicated in Kassen Hand-out 5: *Guidance tasks and questions* | 4 hours (3 for non-game) | Played in role |
| 4. Reporting in plenary   * Groups present plans * Question and answer session between the two groups   Facilitator summarizes, comparing the pros and cons of the two plans | 1 hour | Out of role | None (plenary discussion) |  |
| 5. Discussing a sample safeguarding plan   * Participants read Kassen Hand-out 3 * Groups discuss the sample plan * Groups report in plenary and discuss | 1.5 hours | Out of role | None (group work and plenary discussion) | Kassen Hand-out 3 *Sample safeguarding plan* |

#### Session 1: Preparing to play

The facilitator will introduce the Kassen setting in plenary, using the Kassen PPT presentation. If Kassen Hand-out 1 *Welcome to Kassen* has not yet been distributed the night before, the facilitator will distribute it and allow some reading time. In the non-game version, the additional text at the end of Kassen Hand-out1 *Welcome to Kassen* will also need to be distributed at this point.

In the game version, the facilitator will then introduce the roles, using the Kassen PPT presentation, after which she/he distributes Kassen Hand-out 2 *Identity cards.* Time may then be allowed for reading, after which the roles should be assigned if the game version is to be played.

Facilitators:

* Introduce the setting using the PPT
* Introduce the roles using the PPT (game version only)
* Give participants time to read the hand-outs provided (if necessary)
* Assign roles to participants (game version only). If there are more than ten participants, some roles can be assigned twice. If there are two facilitators, another option is to break into two groups that play the game at the same time.

#### Session Kassen 2: What is the ICH to be safeguarded and who are the communities, groups or individuals concerned?

In this first group session, participants will first have to elect a chair and a scribe (rapporteur) for each of the groups. Alternatively facilitators may appoint chairs and scribes to each of the groups and brief them beforehand.

In the game version of this scenario, no specific chair or scribe roles has been assigned. Participants could be encouraged to select chair and scribe among those with assigned roles. After the game they could be prompted to reflect on how the dynamics of the game were affected by the choice of character to chair the meeting or to document the results (scribe). For example, the Research Advisor seems to want to represent the Fan community on the basis of some outdated research expertise. What will happen if She/he is responsible for chairing the meeting or documenting the results? Will that skew the decision-making? This is an important issue for participants to consider in any real-life safeguarding exercise.

Once a scribe and chair has been chosen, the facilitator can distribute KassenHand-out 4 *Blank sheets for reporting* and Kassen Hand-out 5 *Tasks and questions*. These sheets will guide participants through the next two sessions, following the steps outlined in Unit 45 Hand-out 3. Participants will follow the tasks in Kassen Hand-out 5 under the guidance of their chair. The facilitator may decide to distribute Kassen Hand-out 5 only to chairs and scribes in game versions where reading time is to be kept to a minimum.

In this session participants will discuss what features should be included in the description of the element and who are the communities and groups concerned. The Kassen game does not offer too many options regarding the selection of the element as it is focused on the cheese-making tradition. However, the group may want to consider whether Fanoko cheese making should be identified as the element, or as part of the menu for the Day of Bread. The Fan community seems to favour the former. In identifying the groups and communities concerned, there should be no real difficulty in identifying cheese makers as well as the broader Fan community, but some groups may forget about the farmers and plant collectors, or consider that they are not necessarily ‘communities concerned’ if they are not Fan. In this session, participants should also identify the meaning and function of the element to the communities or groups concerned. Here it is important that they consider functions and meaning for the Fan in general as well as for the cheese makers in particular.

#### Session Kassen 3: developing a safeguarding plan

Here, the participants in the groups will follow the tasks in Kassen Hand-out 5 *Guidance tasks and questions*. The facilitator’s role will be to provide clarity about the nature of the task, assist the ‘Fan lawyer’ in the discussion on questions of intellectual property law, and to raise questions where necessary to encourage the participants to analyize some of the problems more deeply where the chair is not already doing so.

Some of the issues in the Fanoko case concern intellectual property protection. A safeguarding plan may be developed without reference to intellectual property, focusing e.g. rather on questions around the supply of ingredients or other issues in the case. However, it also offers an opportunity to consider the role of intellectual property protection in ICH safeguarding. If this issue is to be discussed in groups without much intellectual property background the assistant of the Fan lawyer (facilitator) will need to have some background on intellectual property protection, specifically on collective and certification marks, and geographical indications. In the non-game version, the facilitator can answer questions and provide information as requested by the group.

Please refer to the text *Introduction to intellectual property and intangible cultural heritage* (Unit 55 Hand-out 7) that is part of Unit 55 on policy development for intangible cultural heritage safeguarding. It can provide some background for on intellectual property, together with a short summary below on the pros and cons of the use of different intellectual property strategies for protecting Fanoko cheese-making. Unit 55 PowerPoint presentation 3 on *Intellectual property and ICH* may also be useful.

Note about using intellectual property rights to protect the use of the name Fanoko

One strategy for safeguarding Fanoko cheese making might be to ensure that the name ‘Fanoko’ cannot be used for products that are not made using the correct method and ingredients, according to rules set by the cheese makers themselves. There are three main ways in which this can be done: registration of a collective or certification mark, and/or registration of an appellation of origin (such as a geographical indication). The cheese makers could use a combination of strategies, but under Kassen law, collective and certification marks cannot both be registered for the same name.

A certification mark can be used for a product if it has been certified as of a certain quality, for example because it is made with certain ingredients or by a specific method. If registering a certification mark for Fanoko is successful, anyone (including producers from outside the Fan community) who complies with the criteria would be able to use the name for the cheese. The cheese makers would need to agree on the criteria that characterize the Fanoko making and then appoint someone (not a cheese maker) to administer the certification process. There would probably be a small fee for certification.

A collective mark allows members of an association to use the mark, and prevents others from doing so. If registering a collective mark for Fanoko is successful then the Fanoko makers would need to set up a formal association with membership rules, and only members of the association could use the name. This may be challenging as there is no existing community organization for cheese makers. Some Fanoko makers may decide not to join the association, but the association would not be able to prosecute anyone who had used the term in good faith to market their cheese prior to the registration of the collective mark.

A geographical indication protects the use of a specific term for a product originating in a specific region that has some connection to the cultural or natural features of that region or is associated with it by reputation. If registering an indication of regional origin (geographical indication) to protect the use of the name Fanoko is successful, anyone who makes the cheese within the specified region and follows the specified production process indicated in the application could call it Fanoko. Government agencies bear the cost of checking whether goods comply with the law.

#### Session kassen 4: Reporting in plenary

In the plenary discussion of the plans that the groups have proposed, facilitators should ensure that some of the most appropriate issues are raised and further discussed if the groups have not identified them.

Facilitators:

* Invite the two groups (or one group, if the game was play by only one group) to present the outlines of the plan they developed in about 15 minutes each
* Lead a question and answer session between the two groups (20 minutes)
* Summarize, comparing the pros and cons of the two plans (10 minutes)

#### Session Kassen 5: Discussing a sample safeguarding plan

Final plans may deviate considerably from the sample plan (Kassen Hand-out 3). One alternative approach could focus on the promotion of Fan cheese making to the rural areas, providing opportunities for peri-urban Fan to market the cheese in new ways. Another could seek cross-border collaboration between Fan cheese makers in the east of Kassen and the west of the neighbouring country for ICH safeguarding, intellectual property protection and cheese marketing, using ICH safeguarding as an instrument of peace-building and cooperation between the two countries.

Facilitators:

* Explain the purpose of the session
* Distribute Kassen Hand-out 3 *Sample safeguarding plan*
* Allow time for reading
* Ask the groups to discuss the advantages and disadvantages of the sample plan, and compare it to their own plans
* Invite the groups to report in plenary
* Summarize the results