

**Background Paper for UNESCO Meeting**  
***Intangible Heritage Beyond Borders: Safeguarding Through International Cooperation.***  
**Bangkok,**  
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**1. The 2003 Convention in a nutshell<sup>1</sup>**

The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (the ‘2003 Convention’) was adopted in 2003, entered into force in 2006 and at present (June 2010) 124 States have adhered to it. The 2003 Convention defines intangible cultural heritage (ICH) as the *practices, representations, expressions, knowledge, skills (...) that communities, groups and, in some cases, individuals recognize as part of their cultural heritage* (Article 2.1). The definition further states that ICH is transmitted from generation to generation, that it is continuously evolving and provides associated communities and groups with a sense of identity and continuity. The definition of ICH used in the Convention also includes associated *instruments, objects, artefacts and cultural spaces*. The ICH may be manifested in such domains as (a) *oral traditions and expressions*, (b) *performing arts*, (c) *social practices, rituals and festive events*, (d) *knowledge and practices concerning nature and the universe*, and (e) *traditional craftsmanship* (Article 2.2). Under the 2003 Convention, no consideration is to be given to ICH incompatible with the requirements of human rights or sustainable development, or that is disrespectful of communities, groups or individuals. Safeguarding is defined as *ensuring the viability of the ICH*, which may be understood as ensuring its continuous enactment, development and transmission.

States Parties to the Convention are obliged to take the necessary measures to safeguard the ICH present in their territory. They also have the obligation to identify that heritage, with the full participation of the communities and groups concerned, and to present it in one or more inventories that have to be regularly updated. In addition, the Convention suggests various measures of an administrative, legal and educational nature that States Parties may take in order to organize the safeguarding of the ICH for which they are responsible (Article 12 to Article 15). States Parties may nominate elements of their ICH for inscription on the two Lists of the Convention: the Urgent Safeguarding List (*the List of ICH in Need of Urgent Safeguarding* – Article 17) and the Representative List (*the Representative List of the ICH of Humanity* – Article 16). They may also nominate safeguarding activities for inclusion in a *Register of best safeguarding practices* (Article 18).

The Convention has two organs, a 24-member Intergovernmental Committee and a General Assembly, composed of all States Parties to the Convention. In June 2008 the General Assembly, the sovereign organ of the Convention, finalized a first set of Operational Directives (ODs) to guide the implementation of the Convention. Since then, the 2003 Convention has been fully operational. The ODs include procedures for the nomination and evaluation of elements proposed for inscription on the Convention’s Lists and Register, and rules for the use of the Fund of the Convention.

The main goal of the Convention is the safeguarding of the ICH of humanity. Its other goals are ensuring respect for the ICH, raising awareness of its importance, and providing international cooperation and assistance to promote its safeguarding. The Urgent

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<sup>1</sup> Abbreviations: **2003 Convention** – the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage; **ICH** – intangible cultural heritage; **OD**: Operational Directive(s); **Article X** – article X of the 2003 Convention; **OD/X** – paragraph X of the Operational Directives of the 2003 Convention.

Safeguarding List in particular serves the first and the last of these goals. The Representative List is intended to promote the international visibility of ICH, raising awareness of its importance and encouraging dialogue about and respect for cultural diversity. Although States Parties are responsible for the implementation of the Convention at the national level, the Convention requires – and this is further emphasized in the ODs – that associated communities and groups of practitioners and tradition bearers are fully involved in any intervention or decision-making concerning their ICH, including its identification, inventorying, listing and safeguarding.<sup>2</sup>

## 2. Diffuse heritage and diffuse communities

The Convention and its ODs emphasize in various ways the role of communities and groups of practitioners and tradition bearers in the enactment, development and transmission of ICH; they also make it clear that ICH cannot be safeguarded in the sense of the Convention without their commitment and participation and – as is made explicit in the ODs – without their free, prior and informed consent. The Convention leaves no doubt as to the ownership of ICH and requests States Parties not to engage in any activities concerning ICH without the informed participation of communities, groups and/or individuals concerned.

Article 1.c mentions *the ICH of the communities, groups and individuals concerned*; the Convention does not use expressions such as *ICH of a State*, or *ICH of States*, it speaks instead about *ICH present in the territory of a State (Party)*. The stewardship of the communities over their ICH is further confirmed by the fact that they – the communities, groups and individuals *that create, maintain and transmit such heritage* (Article 15) – have to identify their ICH (Article 1) and that their customary practices governing access to it are to be respected by third parties, including the State (Article 13.d (ii)).<sup>3</sup>

ICH is borne by people. Human beings enact, transform and transmit it within their communities: people (individually or collectively) speak, sing, dance, play, make music, perform rituals or engage in handicrafts using their bodies, and – often – specific movable objects. The knowledge and skills required for the enactment of practices and expressions are also lodged in humans. In fact, when we are speaking about ICH we are as much speaking about elements as about the communities, groups and peoples that enact them and own them. And, when we are speaking about the location or distribution of ICH elements, we are also speaking about the location and geographical distribution of the people involved in them.

When communities move or disperse, they take their ICH with them more easily than other forms of heritage. When their territory is split up by an imposed State border, the community continues to exist, and so does its ICH, becoming heritage shared across national borders. In fact, a considerable part of the ICH of humanity is spread over more than one country, and because of widespread migration, not necessarily between adjacent countries.

ICH, however, also spreads thanks to contacts between communities, whether they are adjacent or not. ICH, like culture in general, seldom develops for long in isolation. ICH expressions and practices constantly influence each other, like linguistic forms of different groups. Eventually some expressions, practices or languages may be partially or totally taken over by others.

Some examples: shadow theatre spread from East to West Asia and from there to Europe; the Tango is hugely popular in Japan and has been incorporated into European ballroom dance; Halloween is celebrated in France and Valentine's Day in many countries of the world; carnival festivities are commonly introduced to towns

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<sup>2</sup> For full information on the Convention, see <http://www.unesco.org/culture/ich>; for the Operational Directives, see <http://www.unesco.org/culture/ich/index.php?pg=00026>, soon to be enlarged and adapted.

<sup>3</sup> Compare article 3 of The World Heritage Convention: *It is for each of the States Parties to identify and delineate the different properties situated on its territory (...)*.

that have not known them historically; East Asian martial sports have spread over the globe; Christmas is celebrated – in their own way – by many non-Christians. Belief systems and related practices easily cross borders between communities and countries, and so do musical instruments and musical practices.

### **3. Borders, migrations and influences**

A community and its ICH may be found in one contiguous area, which may be located within one State, but which may also be spread over adjacent States. A community and its ICH may also be spread, or scattered over a number of areas; again, this situation may occur within the boundaries of one State, as well as over a number of States, adjacent or not. Two caveats are here in order: ICH expressions or practices may also be spread over different communities. Communities are seldom homogeneous in the sense that all members of a given community partake in all of the practices and expressions occurring within the community. In other words, there are not usually one-to-one correspondences between communities and sets of ICH practices and expressions.

There are thousands and thousands – if not tens of thousands – of ICH elements that are found in more than one country. In many cases the historical background is well known: for instance, (i) border demarcation may have split communities, (ii) for whatever reason parts of communities may have left their original area, (iii) nomadic peoples may still be moving around, or may have settled in what are now different countries, and (iv) as we saw in the previous section, cultural and social expressions or practices may have spread and been adopted by groups elsewhere. The factors mentioned here may also be cumulative.

(i) **Borders:** Most present-day borders were created in the last two centuries, often as a paper exercise conducted in places of political power, far from the areas concerned. Borders represented control over territory, so they were often drawn along natural boundaries, and/or followed military or diplomatic interventions. They did not generally take into account the socio-cultural situation of the local population, if it was known at all. Most modern borders have split groups of people who subsequently had to re-orient themselves towards different political masters, languages and cultures. In many cases, these communities still have cross-border contacts and share parts of their intangible heritage. They may live in immediately adjacent territories, although this is not necessarily the case. Examples abound everywhere in the world:

Mongolians live on both sides of the Mongolian-Chinese border; Turkmen and Uzbeks are also found in Afghanistan; Yoruba are spread over Nigeria, Ghana, Togo and Benin; Maasai live in Kenya and Tanzania; Berbers live in adjacent parts of Morocco and Algeria, and elsewhere in pockets in the North of Africa, where once they occupied a large territory; Guarani live in Paraguay, Brazil and Argentina and Basques and Catalans on both sides of the French-Spanish border, the former in the West, the latter in the East.

(ii) **Migrations and deportation:** People have always migrated, and communities often did not migrate in their totality. The motivations for migration vary from scarcity of land, food or labour, to armed conflict, intolerance or deportation, with the provision of cheap labour being a main motivation of slavery-related deportation. Mass migrations continued when State borders were already functioning in the modern way and they, of course, continue today. In some cases the contacts between related people in the original homeland and in the diaspora have remained strong. Linguistic and cultural practices and expressions may remain strong in the diaspora. In some cases they are even better preserved in the diaspora – or safeguarded more conservatively – than in the country of origin. In modern times increased opportunities for communication and travel mean that many migrants continue to have strong contacts with their homeland (cf. the millions of people of Turkish and Moroccan descent living in various countries of – mainly – northern Europe), people of Indian descent living in East African countries and Armenians, Jews and Palestinians living scattered over

the Middle East and elsewhere. Here, too, examples could be given by the hundreds, if not thousands:

Large numbers of people from the Pacific have settled in New Zealand; important Sikh communities are found in the UK, Canada, US and Malaysia; people speaking different forms of Chinese are spread over many countries in the world, with Chinese being one of the official languages of Singapore, and widely spoken in countries like, for instance, Canada, France, Indonesia, Laos, Mauritius, Mongolia, Mozambique, Philippines, Thailand, United Kingdom, United States, Viet Nam and Zambia (and Peking Opera is flourishing also in the US); sizeable groups of Koreans are living in Japan, and Mauritania, and large Japanese communities can be found in Brazil and Australia; large groups of people of African descent are living in the Caribbean, Brazil, the US; Circassians, after their exodus from the Caucasus of the nineteenth century now also live in Turkey, Syria, Jordan and Israel; important communities of Irish people live in the US, Canada, Australia and elsewhere; few of them have preserved their ancestral language, but many still cherish an Irish identity, supported by a number of traditions.

(iii) **Nomadic communities:** it is estimated that, nowadays, there are fewer than 40 million people left who maintain a traditional nomadic lifestyle. Large numbers are still found in, for instance, Afghanistan, Iran, Mongolia, Mauritania, Niger and Mali. Some nomadic groups move within the confines of one and the same country, but in Central and West Asia and in most sub-regions of Africa there are still groups crossing borders, such as, for instance, the Tuaregs found in Burkina Faso, Niger, Mali, Algeria and Libya, nomadic Aka pygmies living in Central African Republic and neighbouring Congo, or pastoral groups crossing borders between Kenya, Uganda and Ethiopia. Most Roma settled permanently in one place, with large communities of them living nowadays in Eastern European States and France and Spain, and smaller ones in the rest of Europe. Small groups however continue travelling.

Newer types of nomads include various groups, from seasonal workers to binational labour immigrants and from back-pack tourists to elder people living in colder climatic zones who move to warmer places in winter; they, too, interact with each other and others, influencing and being influenced linguistically and culturally.

#### **4. International cooperation and assistance in the framework of UNESCO's mandate**

UNESCO's mission is *to contribute to the building of peace, the eradication of poverty, sustainable development and intercultural dialogue*; to this effect it organizes debate, pilot programmes and exchange and dissemination of information, and engages in standard-setting and in the mobilization of international cooperation and assistance.

All of UNESCO's cultural conventions strive to encourage international cooperation, and three of them – the 1972 World Heritage Convention, the 2003 Intangible Heritage Convention and the 2005 Convention for the Promotion and Protection of the Diversity of Cultural Expressions – provide for mechanisms of financial assistance. The 2003 Convention also explicitly aims at having people engage in intercultural dialogue, so as to better understand and respect each other and each other's values. Both the World Heritage Convention and the Intangible Heritage Convention assist people and countries, especially developing countries, to be better able to enjoy, protect or safeguard, and develop their heritage through cooperation and international assistance. Underlying goals are fostering creativity and contributing to the preservation of cultural and natural diversity, to the benefit of individual communities, groups and countries, and of all of humanity.

International cooperation, under the auspices of an international organization, or in the framework of the implementation of an international standard-setting instrument managed by an Intergovernmental Committee, may also help prevent or solve conflicts that might arise over the ownership, the exploitation or the interpretation of intangible heritage elements.

International cooperation and assistance for protecting and safeguarding heritage that is shared across borders can help to ensure effective safeguarding because it is when elements are considered in their totality that appropriate safeguarding plans can best be prepared and executed.<sup>4</sup>

## **5. International cooperation and assistance in the Convention**

The 2003 Convention attaches great importance to international cooperation between its States Parties, in particular on the sub-regional and regional level. This section presents relevant articles of the Convention, while the next section indicates how the issue is reflected in the ODs of June 2008.

The first objective of the Convention, *to safeguard the ICH* (Article 1.a), is to be achieved, according to one of the last paragraphs of the Preamble of the Convention, *in a spirit of cooperation and mutual assistance*, among other reasons because ICH has a role to play (Preamble) *in bringing humans closer together and to ensure exchange and understanding among them*. In line with this, the last of the four objectives mentioned in Article 1 is *to provide for international cooperation and assistance*. It is worthwhile noting that the Convention prefers to speak about cooperation *at the sub-regional and regional level*, rather than the *international level*, thus stressing the importance – when it comes to safeguarding ICH – of cooperation on the regional (i.e. continental) and sub-regional (i.e. sub-continental) level, i.e. between States that more often than not share elements of their ICH.<sup>5</sup>

International cooperation, according to Article 19, includes *the exchange of information and experience, joint initiatives and the establishment of a mechanism of assistance to States Parties*. A major instrument for the exchange of information will be the Register of best safeguarding practices that the Committee has recently initiated in conformity with Article 18 and OD/43 to OD/58. Article 18 requests the Committee to select, promote and disseminate *national, sub-regional and regional* programmes, projects and activities aimed at safeguarding ICH that best reflect the principles and objectives of the Convention.

Article 20 indicates that international assistance from the Fund of the Convention may be granted for, among other things, *support for programmes, projects and activities carried out at the national, sub-regional and regional levels aimed at the safeguarding of the ICH*. Article 23, finally, mentions that requests for international assistance for the safeguarding of ICH *may be jointly submitted by two or more States Parties*.

## **6 International cooperation and assistance in the Operational Directives**

The ODs elaborate the Convention's emphasis on cooperation between States Parties. They indicate a number of areas in which States Parties may cooperate when implementing the Convention and they also stipulate cases in which the Committee may give priority to joint activities and projects of States Parties.

First, States Parties are encouraged to submit joint multinational nominations of elements that are found on the territory of more than one of them for inscription on the Lists of the Convention – see OD/3 for the Urgent Safeguarding List and OD/20 for the Representative List. OD/46 further 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/85 calls upon States Parties *to participate in activities pertaining to regional cooperation, including those of C2Cs for ICH*, and OD/83 encourages them to develop, at the sub-regional

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<sup>4</sup> It goes without saying that a heritage element that is found scattered over different places within one and the same country will also benefit from a holistic approach to safeguarding. For this reason the concept of serial sites, which may be mono-national as well as transboundary, was developed under the World Heritage Convention.

<sup>5</sup> The expression *local* is used to refer to a level lower than the national one, for instance in Article 1.c, which mentions raising awareness *at the local, national and international levels* of the importance of the ICH as another objective of the Convention.

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*.

Second, 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/62c). 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/52b). OD/51 states that at each session the Committee may explicitly call for proposals characterized by international cooperation.

Third, 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/101).

The encouragement of multinational nominations of shared heritage elements to the Lists of the Convention had been prefigured ten years earlier in the framework of UNESCO's Masterpieces programme.

## **7. The experience of the Masterpieces**

The programme of the *Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity*, an exercise in promoting and listing ICH, was UNESCO's most important ICH-related activity before the implementation of the 2003 Convention. Under it, once every two years all Member States of UNESCO were invited to propose one element of their ICH for proclamation as a Masterpiece. In addition to that, Member States having elements of their ICH in common could jointly submit any number of multinational files concerning such elements.<sup>6</sup> In all 90 ICH elements were proclaimed: 19 in 2001, 28 in 2003 and 43 in 2005. After the entry into force of the Convention, no new proclamation was made and at its third session (October 2008) the Committee incorporated all Masterpieces into the Representative List, in conformity with Article 31. Since then they are no longer referred to as 'Masterpieces': in the spirit of the Convention any hierarchy between elements inscribed on the lists of the Convention, or – for that matter – between inscribed and non inscribed elements, is discouraged.

Nine out of the 90 proclaimed items concerned shared heritage: three from Africa and two each from Asia, Europe and Latin America, with none from the Arab States. Five of them were submitted by two States (Belgium-France; Ecuador-Peru; Mongolia-China; Uzbekistan-Tajikistan and Senegal-Gambia), three by three States (Estonia-Latvia-Lithuania; Benin-Nigeria-Togo and Malawi-Mozambique-Zambia), one by four States (Belize-Guatemala-Honduras-Nicaragua).

Four States, Malawi, Mozambique, Zambia and China, in 2005 profited from the regulation that States could submit joint files together with other Member States, in addition to a national file. Apart from their national nominations, the first three countries also jointly nominated the Gule Wamkulu, a dance tradition of the Chewa of Malawi, Mozambique and Zambia. China, apart from the Uyghur Muqam of Xinjiang, also saw the Urtiin Duu (Traditional Mongolian folk long song) honoured following the submission of a joint file with Mongolia.

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<sup>6</sup> See the Regulations of the Proclamation programme in UNESCO document 155 EX/15, annex 4. In the next section we will see that the regulation furthering multinational nominations was inspired by a provision in the Guidelines of the World Heritage Convention, as were a large part of the criteria that were used for evaluating the nomination files.

## 8. Experiences so far under the 2003 Convention

In 2009 the Intergovernmental Committee inscribed elements on the two Lists and the Register of the Convention for the first time. The 90 former Masterpieces, which had been incorporated in the Representative List in 2008, were then joined by 76 more elements, only two of which resulted from multinational nominations: the Tango (Argentina-Uruguay) and the Novruz (New Year) celebrations (Azerbaijan-India-Iran-Kyrgyzstan-Pakistan-Turkey-Uzbekistan). This means that in all eleven out of the 166 elements at present inscribed on the Representative List were nominated by two or more States. One of the three projects inscribed in the Register of best safeguarding practices, and none of the 12 elements inscribed on the Urgent Safeguarding List, related to multinational proposals or nominations.<sup>7</sup> The proportion of new inscriptions resulting from multinational nominations in 2009 is thus low (less than 3%), in particular when we compare it to the 10% of multinational inscriptions found among the elements proclaimed Masterpieces. This tendency seems to continue: for the 2010 cycle of inscriptions the Secretariat of the Convention received only two multinational proposals for the Representative List and none for the Urgent Safeguarding List or the Register of best safeguarding practices.

The higher percentage of multinational inscriptions among the former Masterpieces, as compared to elements newly nominated for 2009 or 2010, is due to a number of factors:

- (i) All Member States of UNESCO could submit nominations under the Masterpieces programme, whereas under the 2003 Convention only States Parties can do so. This prevents the joint nomination of elements shared by States Parties and States that are not party to the Convention. This factor was more limiting for the 2009 cycle, when some 98 States had the right to submit nomination files, than for the 2010 cycle, when another 15 States had become party to the Convention;
- (ii) Under the Masterpieces programme UNESCO could support the preparation of nomination files by developing States, thanks to funds provided by Japan; in certain cases experts were sent to help finalize nomination files. Under the Convention some assistance is available, but only for the preparation of nominations to the Urgent Safeguarding List or proposals for Article 18 by developing countries;
- (iii) Under the Masterpieces programme multinational files were considered outside of the established national quotas for nominations;
- (iv) UNESCO actively encouraged multinational nominations: on the advice of experts who examined the files before their evaluation by the jury of the Masterpieces programme, Uzbekistan was invited to submit jointly with Tajikistan a multinational file for the Shashmaqom Music, found in towns in both of these countries (rather than a mono-national nomination).<sup>8</sup>

The assistance mentioned above under factor (ii) concentrated on Sub-Saharan Africa; the last two factors together account for three of the nine multinational masterpieces.<sup>9</sup>

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<sup>7</sup> See, on page of the website of the 2003 Convention the link: *The Intangible Heritage Lists*.

<sup>8</sup> One of the other multinational Masterpieces, the Urtiin Duu, had originally also been submitted as a mono-national file; China, however, convinced Mongolia that a multinational file would be more appropriate and so, when the file reached the jury of the Masterpieces programme it had become bi-national.

<sup>9</sup> One shared Masterpiece became mono-national after proclamation: Cross-crafting and its symbolism was submitted jointly as a Lithuanian-Latvian file; later UNESO documents presented it as a Lithuanian file 'supported by Latvia', still later, UNESCO documents, including the web page *The Intangible Heritage Lists*, present the elements as a mono-national element, although the short description mentions *also practiced in Latvia*.

## 9. The experience of the World Heritage List

Operational Guideline 135 of the *World Heritage Convention* (2008 edition) encourages, wherever possible, the joint preparation and submission of nominations for so-called transboundary properties, i.e. properties occurring on the territory of adjacent States. The same guideline also *highly recommends that the States Parties concerned establish a joint management committee or similar body to oversee the management of the whole of a transboundary property*. Guideline 136 states that properties located in one State may become transboundary properties by extensions.

A similar provision already occurred in the February 1997 version of the Guidelines of the World Heritage Convention, i.e. before the adoption of the Regulations of the Masterpieces programme.<sup>10</sup>

Of the 890 properties inscribed on the World Heritage List (2009), 23 are transboundary properties, 14 of them are located in Europe, three in Africa, two in Latin America, two in North America, one in Asia and none in Arab States. The proportion of European properties among them is less salient than might seem at first sight, as close to half of the sites on the World Heritage List are located in Europe.

It is worthwhile noting that the distribution of the 23 transboundary sites over cultural heritage and natural heritage is almost fifty-fifty, whereas the proportion of natural sites on the whole of the World Heritage List is about 20%. Natural heritage sites seem thus more likely to occur as cross-boundary sites than cultural heritage sites. It may be, however, that cross-boundary dependencies and influences are no less common among cultural sites, but simply easier to recognize and more difficult to ignore in the management philosophy adopted for natural sites under the 1972 Convention. The experience of the 2003 Convention will perhaps illustrate this point.

## 10. Category 2 centres for ICH

Category 2 centres (C2Cs) are institutions working under the auspices of UNESCO that contribute to the execution of the programme of the Organization in a specific domain through the coordination of activities of States in a region or sub-region of the world, or – more seldom – world-wide. 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 late 2009 the General Conference of UNESCO approved the establishment of five new C2Cs proposed by Bulgaria, China, the Islamic Republic of Iran, Japan and the Republic of Korea. Since the C2Cs proposed by China, Japan and the Republic of Korea will be located in the same sub-region, these countries agreed on a division of tasks: China – classroom and field-based training on safeguarding and the 2003 Convention; Japan – research, particularly on practices and methodologies of safeguarding on safeguarding; Korea – information and networking, particularly through coordination and dissemination of information.

The C2C proposed by the Islamic Republic of Iran will cover West and Central Asia; it will focus on conducting research for safeguarding and on coordinating activities related to what is called **shared ICH**, including the preparation of joint nominations for the Lists of the Convention. Shared ICH, in this context, is intangible heritage that the tradition bearers

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<sup>10</sup> World Heritage Operational Guidelines, version February 1997, paragraph 20: *When a series of cultural or natural properties, as defined in paragraph 19 above, consists of properties situated in the territory of more than one State Party to the Convention, the States Parties concerned are encouraged to jointly submit a single nomination.*



concerned consider to be sufficiently similar across national borders. The agreement drawn up for the establishment of the C2C in Iran mentions among its objectives and functions:<sup>11</sup>

*(d) to reinforce capacities in States of the Region that are Parties to the 2003 Convention for actively participating in its implementation on the regional and international level, in particular concerning shared intangible cultural heritage elements present in the territories of two or more of the States concerned.*

*(k) to organize workshops and seminars focusing on building capacities, in States Parties to the 2003 Convention that participate in the Centre, for drafting nomination files for inscription on the two lists of the 2003 Convention and for drafting requests and reports for submission to the Intergovernmental Committee, in particular concerning shared intangible cultural heritage elements present in the territories of two or more of the States participating in the Centre.*

This focus on shared heritage is in line with various paragraphs of the ODs that outline ways of promoting international cooperation and assistance and encourage joint nominations to the Lists of the 2003 Convention of elements that are found on the territories of two or more States.

## **11. Summary and elements for discussion**

In summary, it may be said that the Convention and the ODs have various good reasons to encourage international cooperation between the States Parties of the 2003 Convention, in particular concerning ICH that is found in two or more of them. Nevertheless, although we are still in an early phase of the implementation of the Convention, it seems that international cooperation concerning such heritage does not as yet meet the expectations of those who prepared the Convention and its ODs. This section will review key issues in this regard, each followed by a set of questions.

(i) One major impediment to international cooperation concerning shared heritage is that not all States of the world have ratified the Convention. The size of the problem can be illustrated by the situation in mainland Asia (excluding Arab States), where Kazakhstan, Malaysia, Myanmar, the Russian Federation, Singapore, Tajikistan, Thailand and Turkmenistan are not yet States Parties to the Convention.

*How could States that are not yet party to the Convention most effectively be encouraged to ratify it? How could the experiences of neighbouring States that have already ratified be useful in supporting the process of ratification?*

(ii) International cooperation concerning shared intangible heritage is not easy to achieve when neighbouring countries have different ways of identifying communities and of organizing inventories of the ICH present on their territory.<sup>12</sup> In such cases, especially where inventorying is being implemented with insufficient reference to the communities concerned, it may be difficult to establish whether certain ICH elements also occur in other countries, whether adjacent or not. The communities themselves, however, as a rule are well aware of

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<sup>11</sup> The agreements concerning the C2Cs proposed by Korea, China and Japan can be found in UNESCO document 181 EX/17, those concerning the Bulgarian and Iranian ICH C2Cs in UNESCO document 182 EX/20.

<sup>12</sup> The 2003 Convention nowhere defines the concepts of 'communities' and 'groups', which are as a rule used together, both in the Convention and in its Operational Directives, often followed by *and, in some cases, individuals*. Those who prepared the Convention had an open understanding of 'community': individuals could belong to different communities, and also join or leave communities. States are left free to fill in the notions in question for the purposes of the implementation of the Convention at the national level, and so we find administratively defined communities (including peoples and nations), but also communities defined according to ethno-linguistic or religious criteria. In certain cases the bearers of a specific practice or tradition are considered as forming a community.

the existence elsewhere of members of the same community and of elements that they may wish to identify as identical or closely related to elements they practise themselves.

*What could be done to ensure that due attention is paid to information about shared heritage being given by communities themselves? How could the question of shared heritage best be addressed in inventorying? What could be done to facilitate early exchange of information concerning inventory making on the regional and – particularly – the sub-regional level, and concerning elements inscribed that might also be found across borders?*

(iii) Previous experience indicates that, in some cases, States have seemed hesitant or reluctant to cooperate with other States concerning shared intangible heritage. The reasons for this have varied. A factor influencing the rate of multinational nominations to any list could be the reluctance to see heritage in multinational terms and the desire to use international lists to promote national particularity rather than cross-border similarity. In certain cases it was thought that the element in question was older, or more 'authentic', in one country than in the other and that, consequently, only the older or more 'authentic' version was to be safeguarded, or nominated. This is not in the spirit of the 2003 Convention, which recognizes ICH regardless of its (perceived) origin or antiquity, as long as it falls within the definition of the Convention. Any such element deserves to be inventoried and safeguarded, as far as possible. The Convention recognizes that ICH elements change over time, and may change in different ways depending on the location and social context of the communities concerned. Thus neither the Convention nor the ODs mention authenticity as a criterion for identifying or evaluating ICH; they are also averse to the introduction of hierarchies, both between ICH elements and between different versions of the same element.

*What measures could be taken to encourage States to cooperate concerning shared heritage or to remove obstacles to such cooperation? Since antiquity and origin do not figure into the definition of ICH, what measures could be used to educate policy-makers, the media and the communities concerned that inclusion of similar or related forms in an inventory elsewhere, or their nomination by a neighbouring State, does not restrict the ability of any other communities that practise those forms to continue practising them, to inventory them or to see them nominated?*

(iv) States Parties to the Convention hold different views concerning their responsibility towards the ICH of immigrant communities. Some States wish to inventory and safeguard only what they consider to be native heritage, while other States are prepared to include the ICH of (settled) immigrant communities.

*What are the diverse opinions and experiences of States Parties concerning the safeguarding of the ICH of immigrant groups? How might States Parties wish to take into account such heritage, and how might they cooperate with other relevant States Parties on that issue?*

(v) It was shown above, in section 5, that under the Masterpieces programme the number of multinational nominations was relatively high, probably because they were explicitly encouraged. Such encouragement may be needed also under the Convention. A first step in that direction was already made in November 2009, after the Secretariat of the Convention had announced that it had been confronted with an unexpectedly high number of nominations for the Representative List. The Committee then allowed the Secretariat – on an exceptional basis – to process only part of the nominations. It indicated that in doing so priority was to be given to nominations for heritage shared between two or more States Parties. This was consistent with the encouragement for multinational nominations already given in OD/3 and OD/20 for multinational nomination files.<sup>13</sup>

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<sup>13</sup>The June 2008 version of the ODs has no provision for expanding existing mono-national inscriptions to multinational ones (in the sense of paragraph 136 of the Operational Guidelines of the

*What incentives or other encouragements might be introduced for multinational nomination files, proposals to the Register of best practices and requests for international assistance from the Fund of the Convention? Are there obstacles to such multinational nominations, proposals or requests that could be removed?*

(vi) Requests and nominations concerning internationally shared heritage require complex procedures of coordination and consultation. At the moment no financial assistance is provided for the preparation of nomination files for the Representative List. For the preparation of files for the Urgent Safeguarding List and proposals for Article 18, funds are available for developing States only. The funding provided for preparing nominations under the Masterpieces Programme was typically more generous; amounts higher than US\$10,000 were not exceptional for mono-national files.

*Would it be useful to increase the level of financial support to encourage States Parties to prepare larger numbers of multinational requests and nominations concerning internationally shared heritage?*

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World Heritage Convention). This issue was debated at the fourth session of the Committee (November 2009) and may lead to the adoption of a special paragraph by the June 2010 session of the General Assembly of the States Parties.