CASE STUDY 8

Inventorying with community involvement in a well-developed institutional and legal context in Brazil[[1]](#footnote-1)

#### A policy framework

Brazil ratified the Intangible Heritage Convention in March 2006. However, its heritage policies date back to the 1930s. Initially, these policies concentrated on tangible heritage associated with its history of Portuguese colonization. By the 1970s, inventorying and documentation activities carried out by many different organizations and experts had highlighted elements of the intangible heritage of many different groups living in Brazil.

The importance of this heritage had been recognized by the State as early as 1958 through the creation of the Campaign for Safeguarding Brazilian Folklore, linked to the Ministry of Education and Culture. This recognition was formalized in 1976 through the establishment of the National Institute of Folklore. The Constitution of 1988 stated that the Brazilian cultural heritage consists of both tangible and intangible heritage, including creative activities, practices and ways of life of all the groups that form Brazilian society.

There was no specific legislation focusing on the safeguarding of ICH at this stage. In 1997 an international seminar on ‘Intangible Heritage: strategies and forms of protection’ recommended that Brazil develop ICH-related legislation and conduct ICH inventorying at the national level. In August 2000 Presidential Decrees established the Registry of Intangible Cultural Assets and the National Programme for Intangible Heritage. At this time, the Institute for National Artistic and Cultural Heritage (IPHAN) developed an inventorying methodology for the identification of intangible cultural heritage aimed at safeguarding to be used in compiling the National Inventory of Cultural References. IPHAN, which had already been inventorying and conserving heritage places and objects, was tasked with the supervision and coordination of national activities for safeguarding the intangible heritage.

#### Layered inventorying

Inventorying ICH in Brazil takes place on three levels, with the lower levels feeding the higher ones. There is a plethora of inventories, both at local and State level (the Brazilian Federation is composed of twenty-seven States); at the national level there is a restricted National Inventory and a much more restricted Registry. IPHAN is the main player in most of the processes involved.

These systems were developed well before the Intangible Heritage Convention entered into force in 2003; nevertheless, the consensus that was forming at the time in Paris was taken into account. That is why inventorying activities in Brazil have as a primary objective an analysis of the viability of the ICH elements concerned and – whenever necessary and feasible – developing measures for their safeguarding. ICH safeguarding is designed to contribute to social inclusion and the improvement of living conditions for the tradition bearers. The Brazilian system follows the definition of ICH as presented in the Intangible Heritage Convention and pays particular attention to issues such as the involvement and consent of the communities concerned.

#### IPHAN

IPHAN, which has field offices all over Brazil, has its headquarters in the capital, Brasilia, and its main archives in Rio de Janeiro. Between 2000 and 2004, IPHAN developed and tested methodologies for the National Inventory and prepared two trial entries for the Registry. IPHAN trains local experts who are identified through universities and other research networks for carrying out fieldwork with communities of tradition bearers.

In late 2003 the National Centre for Folklore and Popular Culture (CNFCP; formerly the National Institute of Folklore), a State agency with large collections and a huge website, was incorporated into IPHAN. In 2004 a special Department of Intangible Heritage (DPI) was established within IPHAN. In May 2009 DPI was divided into two units, one for identification and registration and the other for safeguarding.

#### National Inventory

A major objective of the National Inventory is to produce knowledge to underpin safeguarding policies. It is an important tool for the preservation of the country’s ethnic and cultural diversity through the identification and documentation of cultural resources and dissemination of information about them. The production of inventory entries and documentation for the National Inventory, as well as the development of safeguarding plans, is conducted either directly by IPHAN (through its DPI) or outsourced through public bidding processes, using budget resources from the National Cultural Fund.

The inventorying process is coordinated at the national level by DPI, and is mainly executed by IPHAN’s regional offices, State preservation institutions, NGOs and other private institutions. The inventorying process starts with the preliminary collection of information (survey), continues with identification and documentation and concludes with interpretation. State superintendents are responsible for coordination, planning, management and implementation of ICH-related activities at the State level, as well as for technical and administrative supervision of field offices. Like the inventorying process, these other ICH-related activities are coordinated at the national level by IPHAN.

The National Inventory collates information about ICH elements and other forms of cultural heritage (‘cultural references’) in local communities. There is a special focus on cultural heritage at risk. The inventories carried out by IPHAN, or with IPHAN’s support, emphasize ICH elements of indigenous people and African-Brazilians, while also taking into account the ICH of citizens of European descent and of people living in multicultural urban contexts. The ICH of immigrant and expatriate groups is duly taken into consideration. Brazilian inventorying activities extend to cooperation with neighbouring States where elements are identified as multi-national. Brazil has collaborated with Colombia, for example, on inventorying the ICH of an indigenous community living on both sides of their common border. Brazil is also leading a regional inventorying project aimed at M’Byá Guarani communities, with the support and supervision of the Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America (CRESPIAL) and the assistance of Argentina, the Plurinational State of Bolivia, Paraguay and Uruguay.

The National Inventory organizes entries into in five categories: ‘Celebrations’, ‘Forms of Expression’, ‘Craftsmanship and Traditional Knowledge’, ‘Places’ (places where one can find social practices rooted in the daily life of communities) and ‘Buildings’ (buildings that have no outstanding architectural or artistic value but are important as cultural assets for the communities). The Inventory entries themselves include, where applicable, photos, videos, documents and audio material. The information can be presented in a flexible way, either focusing on small areas or on larger areas such as districts, urban sites, contiguous regions and protected national parks where some communities still live.

For further information:

So far, some 1,000 ICH elements have been (or are being) inventoried in the National Inventory. IPHAN’s online database provides detailed information about the methodology used in compiling the inventory: <http://www.iphan.gov.br> (in Portuguese)

#### Registry of Intangible Cultural Assets

While the National Inventory process aims at the identification and documentation of Brazilian ICH in general, the Registry of Intangible Cultural Assets provides a mechanism for legal registration, based on more detailed documentation of selected ICH elements. Any ICH element inscribed on the Registry is legally recognized as Brazilian Cultural Heritage, which obliges the Federal Government to develop and finance a safeguarding plan for it. Between 2002 and the end of 2010, twenty-two elements were inscribed in the Registry.

For further information:

The website presenting these ‘Bens culturais registrados’:
http://www.iphan.gov.br/bcrE/pages/indexE.jsf

The Registry and the National Inventory have similar procedures to document ICH elements. All the nominations that Brazil sends to the Lists of the Convention are recognized nationally as Brazilian Cultural Heritage.

The ICH elements in the Registry are documented and publicized in such a way that the collective and individual rights linked to that heritage are taken into account. The communities concerned, who must give their explicit consent for the preparation of a Registry entry (and they do not always give it), can receive support for safeguarding this ICH.

The National Programme for Intangible Heritage has already made safeguarding plans for over half of the elements in the Registry, including:

* Kusiwa art – Body painting and graphic art of the Wajãpi;
* Samba de Roda do Recôncavo of Bahia; and
* Production of the viola-de-cocho.

Considering the dynamic nature of ICH, the Registry needs to be revised at least once every ten years. A group of experts from the Brazilian Cultural Heritage Council and technicians of the Registry Coordination of the Department of Intangible Heritage at IPHAN are developing criteria for the first two reviews. The elements to be reviewed are Kusiwa art – Body painting and graphic art of the Wajãpi and the Craft of the clay pots of the woman from Goiabeiras, which have been recognized as Brazilian Cultural Heritage since 2002 and 2001, respectively.

#### Community participation

Inventorying processes are carried out together with the communities and groups concerned. They are involved in the process from the very beginning, establishing priorities together with the inventorying authorities and given access to all information collected about their ICH. They always participate in the identification and inventorying of their ICH, but may also be responsible for compiling the inventory itself. The inventory process helps all the social actors involved to develop an understanding of the issues and tasks that each should perform in safeguarding the heritage.

Prior and informed consent is obtained from the communities concerned for identification, recording and safeguarding activities, using the ‘Form for the declaration of acceptance for the start of the inventory programme’.

Safeguarding actions are designed to benefit the communities and groups involved. Publications, for example, are broadly distributed to the communities and the educational and research institutions involved and sold at production cost to the general public. Indigenous communities have special rights by virtue of the 1988 Constitution and other legislation, which means that the documentation of their ICH is regulated not only by copyright law, but also by the National Indian Foundation (FUNAI).

The groups and communities concerned have full access to the information generated during the inventorying process. IPHAN’s ICH inventory database will soon be online. This system will be the main tool for dissemination of information collected by IPHAN and collaborating agencies. In order to protect the intellectual property rights of the communities concerned, and also to respect their restrictions on access to certain information, public access to this database will be regulated. The Registry and National Inventory do not give the communities concerned any new intellectual property rights over their ICH (nor does inscription on the Lists of the Convention), but ‘the ensuing documents may serve as a proof of the right to claim’ such rights in other contexts.[[2]](#footnote-2)

For further information:

* Londres Fonseca MC. 2006. ‘Safeguarding ICH in Brazil: the Registry as an Appropriate Form of Safeguarding’. International Conference on the Safeguarding of the Tangible and Intangible Cultural Heritage: Towards an Integrated Approach (Nara, Japan, 20–23 October 2004), UNESCO.
* ——. 2004. ‘The Registry of Intangible Heritage: the Brazilian Experience’. Museum International, Vol. 56, No. 221–222, pp. 166-73:

http://unesdoc.unesco.org/images/0013/001358/135852e.pdf

* www.iphan.gov.br (in Portuguese)
* WIPO (World Intellectual Property Organization). 2009. Documenting and Disseminating Traditional Knowledge and Cultural Expressions in Brazil, Vol. I, Survey:

http://www.wipo.int/export/sites/www/tk/en/resources/pdf/arantes\_report\_vol1.pdf

1. . Thanks are due to Marcia Sant’Anna and Ana Gita de Oliveira of IPHAN for their assistance in compiling this case study. [↑](#footnote-ref-1)
2. Londres Fonseca, op. cit, p. 186. [↑](#footnote-ref-2)