UNit 47

Hand-out 1:

Questions

In the penultimate session of the workshop you will be asked to discuss in break-out groups some of the questions that are given below. In some cases there is just one correct answer, but for most of the questions several or even all answers may be correct, more or less correct, or wrong. Try to form your opinion on all options given with each question.

#### Series A

### Question A.1

By ratifying the Convention, States accept a number of obligations. Which of the following, if any, belongs to the obligations of States Parties under the Convention?

(a) Each State Party shall take the necessary measures to ensure the safeguarding of the ICH present in its territory.

(b) Each State Party shall contribute, together with the communities concerned, to the safeguarding of all ICH elements on its territory.

(c) Each State Party shall take measures to ensure capacity building of communities, groups and, where applicable, individuals.

### Question A.2

Can States Parties cooperate with States that are not party to the Convention, to assist in safeguarding shared ICH?

(a) Yes, on condition that the Intergovernmental Committee gives its permission.

(b) No, not until they are all States Parties.

(c) Yes, if the communities concerned agree to joint safeguarding activities.

### Question A.3

In a mediation practice of community Y, women cannot be mediators, not even for mediating between women. The practice, which is in need of safeguarding, was included in the Provincial Inventory of ICH. Representatives from community Y developed a safeguarding plan for the tradition and applied to the Ministry of Culture for assistance. The ministry, which is tasked to promote gender equality in accordance with national law, has identified three options. Please advise them as to which of the following strategies could be pursued, and why:

(a) No assistance should be offered as ICH that promotes gender inequality should not be supported by this State, but the element may remain in the inventory as it was recognized as part of its cultural heritage by community Y.

(b) Start discussions with community Y to see whether the community might wish to adapt the practice to evolving understandings in society and whether a new safeguarding plan might be developed once the mediation practice does promote gender equality.

(c) Take the element out of the inventory and wait five to ten years to see what happens.

### Question A.4

Can languages be safeguarded in the framework of the implementation of the Convention at the national level?

(a) No, since languages as such are not mentioned among the domains of ICH in article 2.2 of the Convention (they are only mentioned as a vehicle of the ICH).

(b) Yes, they are intrinsic to ICH and should always be safeguarded both as a vehicle of the ICH and in their own right.

(c) Languages as such can be safeguarded in the framework of the implementation of the Convention on the national level if they are included by the State Party concerned under their definition of ICH.

### Question A.5

The population in rural area Y has diminished considerably over the last 20 years with young people leaving to find work and entertainment elsewhere. Much of the ICH in the area is endangered, especially singing and dancing practices. Experts from the Ethnomusicological Research Centre in the capital developed a safeguarding plan for a few of these traditions that they consider unique. The community concerned will be asked for their consent for the project as soon as possible. Would you advise the ministry to fund the plan that aims at enlarging the repertoire of the current generation of singers and dancers, using documentation? If not, what reasons would you give?

(a) No, implementing the Convention should not in the first place satisfy the research agenda of experts, but cater to the needs of communities concerned

(b) No, the plan should be rejected out of hand as it was drafted without the involvement of the community concerned.

(c) No, the community concerned has other, serious problems; a safeguarding plan for their ICH should also take those problems into account.

### Question A.6

A dance form that was once widely practised in town B, and that was well documented in the 1960s, has not been performed since the 1980s. Which of the measures shown below, if any, could be described as ‘revitalizing’ the practice of this dance?

(a) Reconstruction of the dance by researchers, using recordings from the 1960s, and having it reintroduced into the community concerned through training sessions with the assistance of community members who remember the dance and the occasions on which it was performed well.

(b) Training members of a folklore association in the country’s capital to perform the dance with the help of recordings from the 1960s and the advice of community members who still remember it well.

#### SERIES B

### Question B.1

Which of the actions mentioned below, if any, are States Parties obliged to undertake before they can start assisting a community in safeguarding a specific ICH?

(a) Include the ICH concerned in an inventory of the ICH present in their territory.

(b) Obtain the consent of communities, groups and individuals concerned.

(c) Adapt national legislation to create a legal framework for ICH safeguarding.

### Question B.2

Some ICH practices seem to need safeguarding measures as well as intellectual property protection. Which of the following statements is true, if any?

(a) Intellectual property protection can assist in ICH safeguarding in some cases.

(b) The 2003 Convention does not include intellectual property protection among the safeguarding measures in Article 2.3 and they are therefore not appropriate safeguarding measures.

(c) ICH safeguarding is not compatible with intellectual property protection, see Article 3(b) of the Convention.

### Question B.3

Under the Convention, is a State Party free to assist recent immigrant communities in safeguarding their ICH?

(a) Yes, but only if the communities concerned have transmitted that ICH for a few generations in their new homeland.

(b) Yes, but only if their state of origin agrees.

(c) Yes, a State may decide to assist any community present in its territory in safeguarding its ICH.

(d) No, elements of ICH should be safeguarded as much as possible in their original context.

### Question B.4

Which of the following statements is true, if any?

(a) States Parties have the obligation to assist in the safeguarding of all elements included in their official inventories.

(b) States Parties have the obligation to assist in the safeguarding of all elements included at their request in the Representative List.

(c) States Parties have the obligation to assist in the safeguarding of all elements included at their request in the Urgent Safeguarding List.

### Question B.5

The Ministry’s Advisory Body for ICH in State Party A agreed in principle to assist community B financially in safeguarding musical practice C. The focus of the proposed safeguarding plan, that was prepared with the involvement of practitioners and other representatives from the community concerned, is on the transmission of knowledge and skills to a new generation of players and singers. It is foreseen to use ‘modern’ musical instruments as the traditional instruments can no longer be produced. There is discussion among experts within the Ministry’s Advisory Body about this issue, which for the community concerned seems to be of little importance. What would you advise?

(a) Using ‘modern’ instruments as proposed by the community in the safeguarding plan.

(b) Stopping the development of the safeguarding plan for musical tradition C – traditional instruments should be part of it.

(c) Not financing the safeguarding.

### Question B.6

The Ministry of Culture of country E has limited funding for assisting projects that aim at safeguarding specific elements of ICH. It needs to decide on the appropriate criteria for making its choices. Which of the following criteria for selecting projects for safeguarding would be in the spirit of the Convention?

(a) Projects that concern ICH elements that are most widely known and practised within the country because more people can associate with them.

(b) Projects that concern outstanding and interesting ICH that will foster national pride.

(c) Projects that concern ICH not found in other countries and that demonstrate the uniqueness of the nation.

(d) ICH elements that are most in need of safeguarding.

(e) Projects that concern ICH that complies with the Convention’s definition of ICH.

(f) Projects that contribute to the consolidation of country E as a nation state.

(g) Projects that concern historical forms of ICH.

(h) Projects that contribute to the sustainable.

#### SERIES C

### Question C.1

Does inclusion of an endangered element of ICH in an official inventory of the country mean that the Government has the obligation to assist the community concerned in safeguarding the element?

(a) Yes, any inclusion in an official inventory means that the State has to assist the community concerned in safeguarding their ICH, where required, because the Convention says that inventories are to be set up ‘with a view to safeguarding’ (Article 12).

(b) No, the State is obliged to assist the community concerned only if there are legal regulations to this effect at the national level.

(c) No, the State is obliged to assist the community concerned only if the officially approved inventory entry explicitly states that the element needs safeguarding and measures are indicated.

### Question C.2

Can documentation of ICH always be considered a safeguarding measure?

(a) Yes, any documentation of the element will automatically contribute to safeguarding.

(b) Not always: only if it is explicitly aimed at safeguarding and effectively contributes to the continued practice and transmission of the element.

(c) No, documentation is always negative because it takes power and knowledge away from communities, ‘fixing’ the ICH and thus bringing the evolution of the ICH concerned to a standstill.

### Question C.3

Who, within a State Party, is able to apply for international assistance for safeguarding projects?

(a) The ministry responsible for the implementation of the Convention, or their representative.

(b) The community or communities concerned.

(c) A committee of experts from institutions and research centres.

(d) A committee or organ of representatives from communities, NGOs and institutions and research centres as foreseen in the Operational Directives.

### Question C.4

Does gender differentiation of tasks or practices within ICH elements always constitute a human rights violation?

(a) No, gender differentiation never constitutes a human rights violation.

(b) Differentiation by gender within ICH elements does not always constitute a human rights violation.

(c) Yes, any gender differentiation is always a human rights violation.

### QUESTION C.5

Community P in State Party Q discovered audio-visual documentation about their amateur theatre tradition T that a documentation project created in 1946 and donated to an archive. The tradition stopped being practised around 1950. At the request of community P’s cultural club, a producer started organizing new performances in the style of tradition T with amateur actors from within the community. These performances were based on the 1946 documentation and on interviews with two persons who remember having seen some of the plays in their childhood. The organizers are now planning for the third season, which many people in community P are eagerly awaiting.

Tell for each of the following statements whether you agree, or not

(a) This is a revival of tradition T.

(b) This is a revitalization of tradition T.

(c) The practice of the new performance meets the Convention’s definition of ICH.

(d) State Party Q should not support or acknowledge such activities.

### Question C.6

Can several States Parties to the Convention undertake a joint safeguarding plan for endangered cross-border ICH?

(a) Yes, the Convention and the ODs encourage international cooperation for ICH that is shared across borders.

(b) No, if an element occurs in two or more States, each of them is responsible for safeguarding it in its own territory.

(c) Yes, on condition that both groups of the communities concerned agree.