Unit 55

Hand-out 6:

Formulating a strategy for policy-making: Exercise

**Considering the purpose and nature of ICH policies**

The State can help communities, civil society organizations, NGOs and other institutions in setting up an enabling environment supporting ICH safeguarding, for example, through developing or strengthening ICH-related policy, regulations and legislation (Article 13; ODs 103–105), including intellectual property protection (OD 104).

In the spirit of the Convention, State action to support the safeguarding of ICH should ideally:

* promote safeguarding of the ICH in its territory (Article 1, Preamble),
* promote recognition of the diversity of ICH in its territory (Article 1, Preamble),
* promote community participation in ICH safeguarding activities (Article 15, 11(b));
* respect the principles of human rights, sustainable development and mutual respect (Article 2.1); and
* promote international cooperation and assistance (Articles 19-20).

Each State Party to the Convention will need to develop policy regarding ICH in a manner geared to their own situation. States have a diversity of ICH elements in their territory, and various associated communities. They may have different existing legal and administrative provisions, regional and international influences, reasons for ratifying the Convention, and socio-political, historical and economic contexts. Not all institutions or organizations supporting safeguarding are necessarily established, funded or endorsed by the State. Some community or civil society organizations may prefer to remain independent, for example. The relationship between the State, institutions and NGOs, and different communities will affect how policies are drafted and how State initiatives are seen by various stakeholders.

ICH-related policy therefore differs widely, but in the spirit of the Convention might include provisions for:

* ensuring that ICH identification and safeguarding promotes cultural diversity, human rights, sustainable development and mutual respect within and among communities (Preamble, Article 2.1);
* establishing or strengthening consultative bodies or coordination mechanisms to ensure community representation in safeguarding activities (OD 80);
* encouraging cooperation and networking between communities, and between communities and other stakeholders (ODs 79–80, 86 and 88);
* ensuring appropriate management of and access to information about the ICH in the territory of the State (Article 13(d); OD 109);
* building capacity for safeguarding (13(d)(i) and 14, ODs 82, 86, 107(k) and 109);
* financial measures to support safeguarding activities (Article 13(d) and OD 78); and
* sharing expertise and information internationally (Articles 1(d) and 19, ODs 86–88).

**Developing a strategy for policy-making**

In developing a strategy for policy-making to assist in ICH safeguarding it is important to consider:

* what key issues and problems policymakers should address in amending existing policies or creating new ones,
* how community participation (with their consent) will be ensured in policy development and implementation, and
* how any proposed changes to the policy environment will be effected.

It may take a long time to decide what policies should be put in place; research activities, consultations and pilot projects may well be undertaken in advance of drafting any policies. Every State will have its own approach to involving stakeholders in this process. Consultation with the general public, and communities concerned (in relation to specific ICH elements), is essential to ensure that these policies support communities in their safeguarding efforts, and help address the problems they face. Successful policy-making usually requires a broad base of political support from legislative and executive arms of government as well as from the public (including communities concerned), and affected institutions. Once the direction of policy-making has been agreed, attention should also therefore be paid to ensuring that sufficient political will exists in government agencies, parliament and other relevant stakeholders for these changes to be made.

Workshop participants are encouraged to suggest possible steps that could be included in a policy-making process. These ideas may help in putting the policy-making process into action at the national level. For example, public consultations could be conducted in a State about what ICH elements are valued by which communities, and to identify problems being faced in safeguarding ICH. This could help to identify ways in which ICH-related policies could support safeguarding. More specific consultations with communities and relevant ministries, government agencies or municipalities, could be conducted to develop specific strategies or policies (where needed) for safeguarding specific ICH elements that are endangered, or for supporting specific communities.

**Two tasks**

This exercise aims to assist participants in developing a policy-making strategy at the national level.

In your group, please undertake the following tasks:

* Task 1: Document in the table below some of the key issues and problems that policy-making should address.
* Task 2: Suggest a timeline of possible steps in the policy-making process.

## **Task 1: Policy-making considerations raised in the workshop**

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| --- | --- |
| Question | Comments |
| Key issues and problems that policy-making should address to promote ICH safeguarding in the State |  |
| Proposals for ways to involve communities concerned in the formulation and implementation of policies for ICH safeguarding |  |
| Areas where there is synergy between existing policies and the aims of ICH safeguarding |  |
| Areas where policies already in place are in tension with ICH safeguarding aims |  |
| Proposals regarding policies outside the culture sector (e.g. development, intellectual property, health, education, tourism) that affect ICH safeguarding |  |
| Proposals regarding policies within the culture sector that affect ICH safeguarding (e.g. language, culture policy, built heritage policy) |  |
| Proposals regarding the formulation of specific ICH policies (if envisaged) and the mandates of responsible institutions and consultative or coordinating bodies |  |

## **Task 2: Possible steps in the policy-making process**

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| --- | --- | --- | --- |
| **Activity** | **Objective** | **Responsible agency/organization** | **Stakeholders involved** |
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