



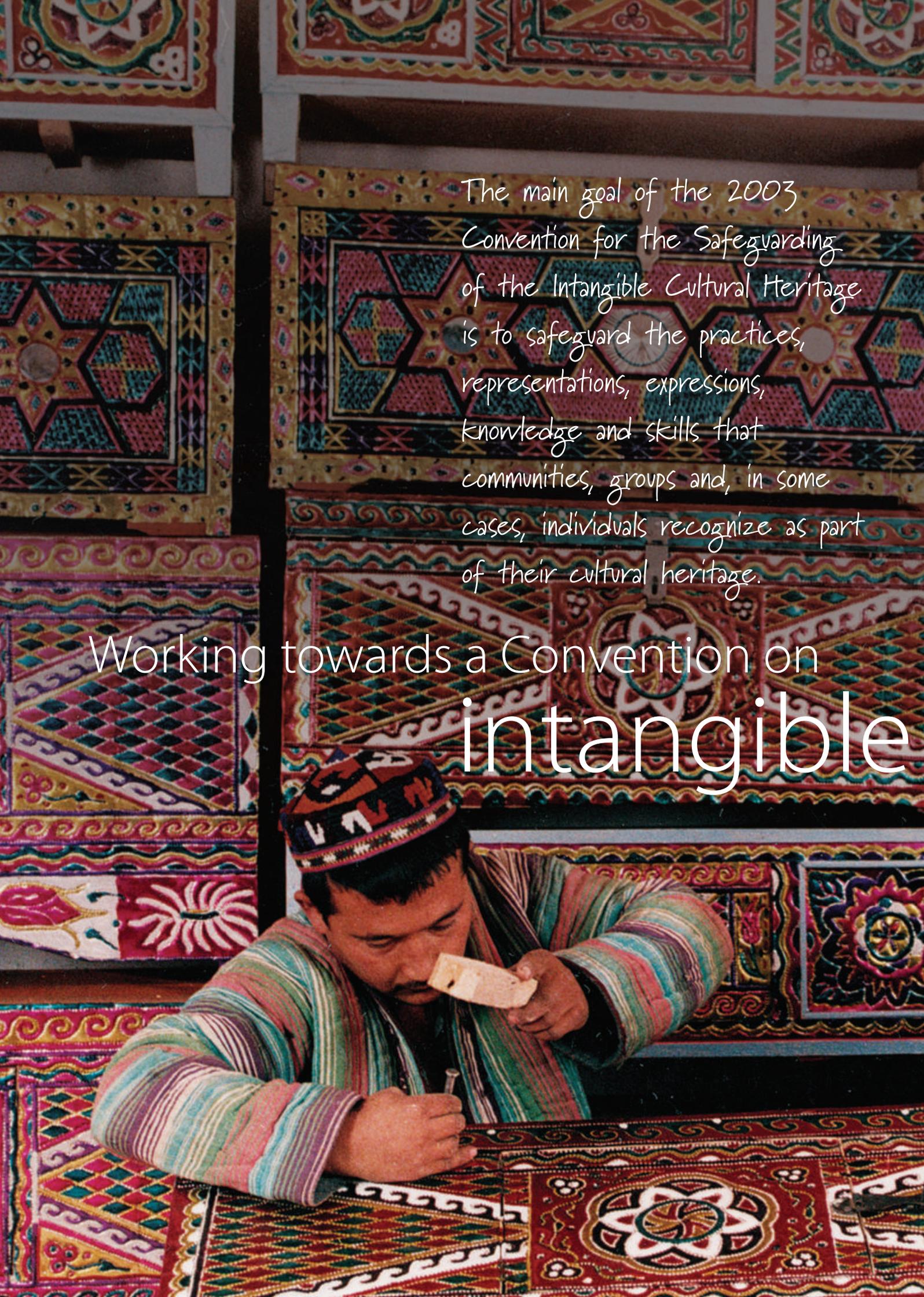
Intangible Cultural Heritage



United Nations  
Educational, Scientific and  
Cultural Organization



Intangible  
Cultural  
Heritage

A man wearing a colorful striped jacket and a traditional cap is focused on working on a piece of intricate, multi-colored textile. He is holding a small, light-colored object, possibly a piece of fabric or a tool, near his face. The background is filled with various panels of similar textile patterns, creating a rich, textured environment. The overall scene suggests a traditional craft or textile-making process.

The main goal of the 2003  
Convention for the Safeguarding  
of the Intangible Cultural Heritage  
is to safeguard the practices,  
representations, expressions,  
knowledge and skills that  
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cases, individuals recognize as part  
of their cultural heritage.

Working towards a Convention on  
**intangible**

UNESCO's conventions in the field of culture were drafted and adopted following the request by Member States to develop international standards that could serve as a basis for drawing up national cultural policies and strengthen cooperation among them. The eight normative instruments created over a period of 55 years reflect the priorities of the international community in the field of culture at the time of their adoption. By comparing them, they also reflect the evolution of cultural policies and the role that different governmental and non-governmental actors play. They complement each other in so far as they deal with different subjects and provide a standard reference for national cultural policies. Moreover, newly adopted instruments enable us to better understand existing ones, since they reflect the impact of past policies and new needs. Taken together, they constitute a set of tools aimed at supporting Member States in their efforts to preserve the world's cultural diversity in a constantly changing international environment. Their effectiveness is based on the commitment taken by Member States to implement them once ratified.



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Dante Villalente

The General Conference of UNESCO adopted in 2003, at its 32nd session, the Convention for the Safeguarding of the Intangible Cultural Heritage. The adoption of the Convention became a milestone in the evolution of international policies for promoting cultural diversity, since for the first time the international community had recognized the need to support the kind of cultural manifestations and expressions that until then had not benefited from such a large legal and programmatic framework.

# cultural heritage

Complementary to other international instruments dealing with cultural heritage, such as the Convention concerning the Protection of the World Cultural and Natural Heritage, the main goal of this 2003 Convention for the Safeguarding of the Intangible Cultural Heritage is to safeguard the practices, representations, expressions, knowledge and skills that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. Such heritage may be manifested in domains such as oral traditions and expressions, performing arts, social practices, rituals, festive events, knowledge and practice about nature and the universe, and traditional craftsmanship. This definition provided in Article 2 of the Convention also includes the instruments, objects, artefacts and cultural spaces associated with intangible cultural heritage. The definition is the result of long-standing intergovernmental negotiations that tuned-up concepts and lead to the approval of the current text.

This brochure aims to provide a background to the Convention by highlighting those actions and programmes that, often indirectly, contributed to developing the ideas and policies that eventually led to the adoption of the Convention text as its stands.

📍 *Taquile and its  
Textile Art, Peru*

📍 *The Cultural  
Space of the  
Boysun District,  
Uzbekistan*



📍 *The Maroon Heritage of Moore Town, Jamaica*

📍 *Vanuatu Sand Drawings*

📍 *Processional Giants and Dragons in Belgium and France*

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Photo © Cristiana Pereira / UNESCO

📍 *The Chopi Timbila, Mozambique*

### 1946 - 1981: first steps

UNESCO's first programmes in the field of culture reflected the political and social situation of the world in a post-war and decolonisation period. Considering the Organization's mandate to contribute to peace through education, science and culture, attention was focused on promoting international cooperation in the field of the arts and on studying the way of recognizing the variety of cultural identities of the world. Several actions were taken related to traditional cultural domains such as literature, museums, music and languages.

In 1946 the International Council of Museums (ICOM) was founded, followed in 1949 by the International Music Council (IMC). The first volume of the Index Translationum was published in 1949, while the first worries concerning artistic production were discussed in a conference in 1952 in Venice. This meeting led to the adoption of the Universal Copyright Convention, which came into force in 1955 and was subsequently revised in 1971. As a result of increased awareness on the need to protect built heritage in time of war, following the devastating consequences of the Second World War, the Convention for the Protection of Cultural Properties in the Event of Armed Conflict was adopted in The Hague, the Netherlands, in 1954. This convention introduced the expression of 'cultural property' as a comprehensive

and homogenous category of objects considered worthy of protection due to their unique cultural value. The term would also be used later in the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), to which the Hague Convention, and its 1999 Second Protocol are complementary.

Already in 1953, UNESCO published the first volume of a new series entitled 'Unity and Diversity of Cultures', which was drawn up from a survey on the current conception of the specific cultures of different peoples and mutual relations between those cultures. The aim of the publication was to offer an insight into the world's different cultures and their mutual relations. This would be followed by a project on 'Mutual Appreciation of Eastern and Western Culture', launched in 1957, which would last for nine years. In 1966, the General Conference adopted the well-known Declaration on the Principles of International Cultural Cooperation. The Declaration established the essential features of UNESCO's international cooperation policies in the field of culture by stating that each culture has a dignity and value which must be respected and preserved, and that every people has the right and duty to develop its culture and that all cultures form part of the common heritage belonging to all mankind, giving the basis for the



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further development of cultural heritage policies within UNESCO. Although the Declaration did most likely not use the concept of heritage in its legal sense, the expression 'heritage of mankind' became a key element of the Organization's policies in the field of cultural heritage.

The need for policies aiming at developing the concept of 'heritage of mankind', at least for tangible heritage, was strongly felt following the Nubia campaign in Egypt, launched in 1960, which was the most striking example of a successful exercise in alerting international public opinion in favour of a safeguarding operation. Two years later the Abu Simbel temples, reconstructed 64 metres above their original site, were officially unveiled. Another activity aimed at protecting monumental cultural heritage was the Campaign for safeguarding Venice, launched in 1962, or the adoption on 19 November 1968 by the General Conference of the Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, followed in 1970 by the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Most certainly these legal-effect campaigns and actions raised awareness about the role that culture plays in economic development.

Against a political background of decolonization and the Cold War, an Intergovernmental Conference on the Institutional, Administrative and Financial Aspects of Culture was convened in Venice, Italy, from 24 August to 2 September 1970. This conference marked the emergence of the notions of 'cultural development' and of the 'cultural dimension of development', and stimulated discussion on how cultural policies could be integrated into development strategies. The conference affirmed that the diversity of national cultures, their uniqueness and originality are an essential basis for human progress and the development of world culture. It realised that indigenous cultures in many countries were threatened because, for lack of resources, training institutes and trained personnel, very little was being done to preserve their cultural heritage. The basis for cooperation with non-governmental organizations in the field of culture was thereby established by stating that Member States should associate non-governmental organizations as closely as possible with the elaboration and implementation of their cultural policies.

In addition to its action in the fields of copyright and protection of cultural properties, as referred to in the conventions of 1952, 1954 and 1970, UNESCO was also ready to promote heritage and cultural industries policies

as a positive means for development in all Member States regardless of their degree of development.

In 1972, UNESCO adopted a ten-year plan for the study of African oral traditions and the promotion of African Languages, the first Festival of the Arts of the Pacific was held in Fiji and two series of cultural studies on Latin America were launched. The concept of cultural heritage was not yet strictly restricted to the tangible field. However, on the basis of the 1966 Declaration, the success of the Nubia campaign and the principles established in Venice in 1970, the most important action undertaken by UNESCO in 1972 was the adoption of the Convention concerning the Protection of the World Cultural and Natural Heritage. This Convention, which is probably the most universal legislative instrument in the field of cultural heritage today, strengthened the identification of cultural heritage as tangible heritage since it limits its scope to monuments, groups of buildings and sites, all instances of tangible heritage. Like the Hague Convention, it focuses on immovable cultural property – in this case, of outstanding universal value – but it also introduces the notion of 'heritage of mankind'. With its programmatic approach, based on a listing system and the use of revisable operational guidelines for its implementation, the 1972 Convention strengthened heritage conservation policies, and became the standard reference for including conservation policies as a means of development, largely through tourism.

Since legal aspects of collective intellectual property rights were not yet clearly defined, it was decided not to include intangible cultural heritage expressions under the scope of the 1972 Convention. Therefore, the Government of Bolivia proposed in 1973 to add a Protocol to the above-mentioned Universal Copyright



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Convention as revised in 1971, in order to provide a legal framework for the protection of folklore. The proposal was not accepted but one year later, a governmental experts meeting, organized with the assistance of UNESCO and WIPO in Tunis, started working on the draft of a model law referring to the protection of intellectual property rights applicable to such cultural manifestations.

In the meantime, as follow-up to the Venice Conference of 1970, several regional seminars were organized. In one of these meetings, the Accra Intergovernmental Conference on Cultural Policies in Africa (1977), experts advocated that the definition of culture be extended beyond fine arts and heritage to include worldviews, value systems and beliefs. A year later, the 'Bogotá Declaration', adopted by the Intergovernmental Conference on Cultural Policies in Latin America and the Caribbean, stressed that cultural development had to improve the quality of life of communities and individuals. It also stated that cultural authenticity is based on recognition of the components of cultural identity, whatever their geographic origin and however they have mingled, and that every people or group of peoples has both the right and the duty to determine independently its own cultural identity, based on its historical antecedents, its individual values and aspirations, and its sovereign will.

### **1982 - 2000: from Mondiacult to Our Creative Diversity**

The cycle of conferences that followed the Venice meeting was rounded off by the World Conference on Cultural Policies in Mexico City in 1982, known as Mondiacult. The Conference was attended by 960 participants from 126 States out of the 158 Member States UNESCO had at the time. The success of the 1972 Convention and the importance attached to the protection of immovable cultural and natural properties had overshadowed the significance of other forms of heritage and of cultural production as means of development. The purpose of the conference was to review knowledge and experience gained on cultural policies and practices since the Venice conference in 1970, to promote research about the fundamental problems of culture in the contemporary world, to formulate new guidelines to promote cultural development in general development projects and to facilitate international cultural cooperation.

The conference unanimously rejected any hierarchy between cultures, since nothing could justify discrimination between 'superior cultures and inferior cultures', and reaffirmed the duty of each to respect all cultures. It stressed that cultural identity was the defence of traditions, of history and of the moral, spiritual and ethical values handed down by past generations. It suggested that present and future cultural practices

were just as valuable as past ones and emphasized that both governments and communities should participate in the development of cultural policies. Therefore, governmental institutions as well as civil society should participate in the development of cultural policies.

One of the main achievements of the Conference was its redefinition of culture. It stated that heritage now also covered all the values of culture as expressed in everyday life, and growing importance was being attached to activities calculated to sustain the ways of life and forms of expression by which such values were conveyed. The Conference remarked that the attention now being given to the preservation of the 'intangible heritage' may be regarded as one of the most constructive developments of the past decade. It was one of the first times that the term 'intangible heritage' was officially used.

The Conference, besides redefining the concept of culture (by including in its definition not only arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs), approved in the Mexico City Declaration on Cultural Policies a new definition of cultural heritage which included both tangible and intangible works through which the creativity of people finds expression: languages, rites, beliefs, historic places and monuments, literature, works of art, archives and libraries. The Mexico Declaration furthermore stated that every culture represents a unique and irreplaceable body of values since each people's traditions and forms of expression are its most effective means of demonstrating its presence in the world. In this sense, it also remarked that cultural identity and cultural diversity are inseparable and that the recognition of the presence of a variety of cultural identities wherever



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🌀🌀 *Kabuki theatre, Japan*

🌀 *The Uyghur Muqam of Xinjiang, China*

🌀 *The Samba de Roda of Recôncavo of Bahia, Brazil*

various traditions exist side by side constitutes the very essence of cultural pluralism.

The Conference asked UNESCO to not only develop its programme for the preservation of the cultural heritage constituted by monuments and historical sites, but also its programme and activities for the safeguarding and study of the intangible cultural heritage, particularly oral traditions. These activities were to take place at bilateral, sub-regional, regional and multinational levels and were to be based on recognition of the universality, diversity and absolute dignity of peoples and of cultures. While recognizing the importance of the cultural heritage of minorities within States, the Conference also emphasized that with regard to cultural and spiritual values and traditions, the cultures of the South could do much to revitalize the cultures of the rest of the world.

The Conference invited Member States and international organizations working in the field of culture to expand their heritage protection policies to cover the whole body of cultural traditions, which is not limited to its artistic heritage but comprises the whole of past heritage expressions, including folk arts and folklore, oral traditions and cultural practices. It also considered that the preservation and development of a people's traditional culture constitutes an essential part of any programme aimed at affirming its cultural identity and that folklore, as a fundamental component of a nation's heritage, should also take in such aspects as languages, oral tradition, beliefs, celebrations, dietary habits, medicine, technology, etc., and therefore recommended that Member States accord the same recognition to non-recognized aspects of cultural traditions as to historic or artistic goods, and provide technical and financial support for activities aimed at their

preservation, promotion and dissemination.

Two years after the Mondiacult Conference, in 1984, a meeting was held in Rio de Janeiro, Brazil, to discuss the preservation and development of handicrafts in the modern world. Then, on the basis of the Model Provisions for National Laws on the Protection of Expressions of Folklore against Illicit Exploitation and Other Prejudicial Actions adopted in Tunis, a draft treaty was prepared by UNESCO and WIPO in 1984, which did not come into force. The legal protection of folklore would have to wait another five years. Some activities in the field of intangible cultural heritage were nevertheless taken, such as the preparation of a book on Arctic languages and the launch, in Mali, of an experimental project combining tradition and cultural innovation in rural development in 1987. The year before this, in 1986, the Economic and Social Council (ECOSOC) recommended that the UN General Assembly take a decision on the question of the proclamation of a world decade for cultural development, based on the draft plan of action submitted by the Director-General of UNESCO.

In 1989 an international meeting of experts was held in Hammamet, Tunisia on the development of a Ten-Year Plan for the development of crafts in the world for the period 1990 to 1999. In the same year, that is seven years after Mondiacult, the General Conference adopted the Recommendation on the Safeguarding of Traditional Culture and Folklore, which was the first legal instrument of its kind oriented towards the safeguarding of intangible cultural heritage and therefore reflecting the wishes which had been expressed in the Mondiacult Conference. In order to promote the Recommendation over the following years, UNESCO organized training courses, gave assistance for the



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🔗 Tapestry work, Turkey

🔗 The Wayang Puppet Theatre, Indonesia

establishment of inventories, for the drafting of plans for the safeguarding, revitalization and dissemination of the intangible cultural heritage of minority and indigenous groups, and for the organization of a number of festivals of traditional cultures. A network of folklore activities was established; CDs of the UNESCO Collection of Traditional Music of the World were published, as were a handbook for *Collecting musical heritage*, the *Atlas of the World's Languages in Danger of Disappearing*, the *Methodological manual on the protection of traditional culture and folklore against inappropriate commercial exploitation*, and the document 'Ethics and Traditional Culture'. Eight regional seminars on the implementation of the 1989 Recommendation were organized but did not lead to long-lasting results.

However, the Recommendation itself raised awareness of the need to devote special attention to intangible cultural heritage related domains. In 1990, the UNESCO Crafts Prize was awarded for the first time at an International Crafts Fair held in Ouagadougou, Burkina Faso, and the International Fund for the Promotion of Culture launched a pilot project for safeguarding the corn-mill songs of Haharashtra, India, aimed at demonstrating that supposedly extinct forms of oral tradition can be revived and even be given fresh cultural impetus. Following the success of the project at local level, it was extended to the whole of the state of Maharashtra. In 1992, at an international meeting in Jog Jakarta, Indonesia, a new UNESCO video collection of the performing arts was launched under the title 'Traditional Dance, Theatre and Music of the World'. In November the same year, a regional seminar on The Cultural Dimension of Development in Africa: Decision-making, Participation, Enterprises, was jointly organized by UNESCO, the World Bank and UNICEF, in cooperation with the Ivorian Ministry of

Culture, in Abidjan, Côte d'Ivoire. In 1993 a project called UNESCO Red Book of Languages in Danger of Disappearing was launched which was subsequently followed by the set up of a database on this issue by Tokyo University in 1995. In 1993, the Living Human Treasures system was launched, following a proposal by Korea at the 142<sup>nd</sup> session of the Executive Board.

In 1991, the General Conference had adopted a resolution requesting the Director-General to establish, in conjunction with the Secretary-General of the United Nations, an independent World Commission on Culture and Development. This commission would be responsible for drawing up a report on 'Culture and Development', and for putting forward a set of proposals concerning urgent and long-term activities to meet cultural needs in the context of socioeconomic development. The World Commission was created in December 1992, presided by Javier Pérez de Cuéllar, former Secretary General of the United Nations.

This report, called *Our Creative Diversity*, highlighted the wealth of tangible and intangible heritage that has been transmitted from generation to generation. It recognized that this heritage is embodied in the collective memory of communities across the world and that it reinforces their sense of identity in times of uncertainty. While following UNESCO's traditional line concerning the need of safeguarding culture and cultural diversity, it also highlighted that physical objects (monuments, works of art, handicrafts) were the main beneficiaries of the policies for preserving cultural heritage. It noted that the very fragile intangible cultural heritage did not receive the same attention, and recalled that non-physical remains such as place names or local traditions are also part of the cultural heritage.

The Commission also stressed the importance of heritage preservation policies as part of economic development. Considering that intangible cultural heritage had not yet been taken sufficiently into account, the experts recalled that the heritage in all its aspects is still not being used as broadly and effectively as it might be, nor as sensitively managed as it should be. The Commission underlined that the Convention concerning the Protection of the World Cultural and Natural Heritage as a legal instrument that is only applicable to tangible heritage, reflects the concern related to a kind of heritage which is highly valued in developed countries but not appropriate for the kinds of heritage most common in regions where cultural energies have been concentrated in other forms of expression such as artefacts, dance or oral traditions. Subsequently, the experts called for the development of other forms of recognition to match the true range and wealth of heritage found across the world.

*Our Creative Diversity* also elaborated on the problems encountered in safeguarding heritage from political, ethic and monetary points of view. It warned against political conjuring capable of transforming the complexities of material cultural evidence into simplified messages about cultural identity. Such messages tend to concentrate exclusively on highly symbolic objects at the expense of popular forms or cultural expression

or of historical truth. From an ethical point of view, anthropological studies spill over into less specialized categories as tourists interested in 'ethnic arts' in general contribute to an increasingly artificial demand for dramatizations and ritual enactments of cultural traditions, which are often celebrated out of context in the form of dress, music, dance and handicrafts. Concerning the monetary implications of recognizing intellectual property rights to specific manifestations of the intangible cultural heritage, the Commission presented four linked issues, or risks, to be taken into account:

- a. **authentication**, concerning the regulation of replication of traditional craft;
- b. **expropriation**, concerning the removal of valuable artefacts and documents from their place of origin;
- c. **compensation**, concerning the fact that individuals or communities at the source of folk items are not compensated;
- d. the fear of **commodification**, which will have a disruptive impact on folk-culture itself.

The report also highlighted problems related to the recognition of intellectual property rights, and proposed that the notion of 'intellectual property' might

not be the right concept to be used when dealing with living creative traditions. Instead it launched the idea of developing a new concept based on ideas inherent in traditional rules. The report also discussed problems related to knowing what cultural heritage *might* be saved and to deciding *what* should be saved, as very few countries had inventories of their cultural patrimonies which would allow one to establish some order of priority – and selectivity.

The year following the publication of *Our Creative Diversity*, after a series of regional forums on the protection of folklore, jointly organized by UNESCO and the World Intellectual Property Organization, and an Intergovernmental Conference on African Language Policies, the Director-General of UNESCO put forward two parallel actions: launching the programme of the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, which represented a major step set towards raising awareness on a worldwide scale on the need of safeguarding such form of heritage, and conducting a study on the possibility to develop a standard-setting instrument for the protection of traditional culture and folklore.

The aim of the Proclamation was to raise awareness of the importance of intangible heritage by establishing a new form of international distinction. In 2001, 2003, and 2005, 90 elements were proclaimed Masterpieces of the Oral and Intangible Heritage of Humanity, creating a worldwide movement for the safeguarding of intangible cultural heritage.

### 2000 onwards and the drafting of the convention

Despite the good intentions of the Mexico Declaration, it took more than 20 years for the international



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community to develop normative instruments addressing cultural identity and cultural diversity as main elements of a development policy.

At the end of the '90s experts concluded, after a long series of regional meetings, a conference entitled 'A Global Assessment of the 1989 Recommendation on the Safeguarding of Traditional Cultural and Folklore: Local Empowerment and International Cooperation' which was jointly organized in Washington by the Smithsonian Institution, the United States and UNESCO. The Conference came to the conclusion that a legally binding instrument was needed in the field of the safeguarding of the intangible cultural heritage. Experts also found that the 1989 Recommendation focused too much on documentation and not enough on the protection of living practices and traditions, or on the groups and communities who are the bearers of these practices and traditions. They underlined the need to use a more inclusive methodology in order to encompass not only artistic products such as tales, songs, etc., but also knowledge and values enabling their production, the creative processes that bring the products into existence and the modes of interaction by which these products are appropriately received and appreciatively acknowledged. The Conference also recommended that the term 'intangible cultural heritage' be retained for the

new normative instrument instead of the term 'folklore' which was felt as demeaning by some communities. The term 'intangible cultural heritage' was put forward as being more suitable for designating the peoples' learned processes – along with the knowledge, skills and creativity that inform and are developed by them, the products they create, and the resources, spaces and other aspects of social and natural context necessary to their sustainability – that provide living communities with a sense of continuity with previous generations and are important to cultural identity, as well as to the safeguarding of cultural diversity and creativity of humanity.

At the request of Member States, the Director-General submitted in 2001 a report on the preliminary study on the advisability of regulating internationally, through a new standard-setting instrument, the protection of traditional culture and folklore. The report came to the conclusion that intellectual property does not give appropriate protection to expressions of intangible cultural heritage and a *sui generis* regime specific to this purpose needs to be developed. It also concluded that since the instruments that had already been adopted in the field of cultural heritage were principally concerned with the tangible cultural heritage and did not refer specifically to the intangible cultural heritage, they could not provide a satisfactory framework for protection, partly on account of the very nature of the intangible cultural heritage. Therefore the report recommended that a new normative instrument be prepared on the basis of the Universal Declaration of Human Rights (United Nations, 1948) and propose the main principles on which this instrument should be based. These basic principles might be that:

- intangible cultural heritage be fundamentally safeguarded through creativity and enactment by the agents of the communities that produce and maintain it;
- the loss of intangible cultural heritage can only be prevented by ensuring that the meanings, enabling conditions and skills involved in its creation, enactment and transmission can be reproduced;
- any instrument dealing with intangible cultural heritage facilitate, encourage and protect the right and capacity of communities to continue to enact their intangible cultural heritage through developing their own approaches to manage and sustain it;
- sharing one's culture and having a cultural dialogue foster greater overall creativity as long as recognition and equitable exchanges are ensured.

Following the recommendations of the Washington Conference, the report proposed the use of the term 'intangible cultural heritage' instead of the term 'folklore' which was no longer appropriate, drafted a first definition of the term and suggested a series of domains in which such heritage is manifested. The Executive Board of UNESCO (the constitutional organ that ensures the effective and rational execution of the programme and budget approved by the General Conference) called for a more detailed discussion about the conceptual aspects and the definition of intangible cultural heritage, aimed at, in particular, making the retained definition consistent with the one used by the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity. It also noted that the protection of such heritage should not be limited to the normative action and it underlined the need of working closely with WIPO and studying the limits of protection.



Photo © Marc Soosaar

➤ The Kihnu Cultural Space,  
Estonia



Photo © Malawi National Commission for UNESCO



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🌀🌀 *The Gule Wamkulu,  
Malawi, Mozambique and  
Zambia*

🌀 *The Moussem of  
Tan-Tan, Morocco*

In September 2001, the General Conference adopted the Universal Declaration on Cultural Diversity, which in its Article 7 remarks that heritage in all its forms must be preserved, enhanced and handed on to future generations as a record of human experience and aspirations, so as to foster creativity in all its diversity and to inspire genuine dialogue among cultures. This declaration served as basis for developing the normative instrument for safeguarding intangible cultural heritage. In the Action Plan attached to the Universal Declaration, the Member States decided to take steps for formulating policies and strategies for the preservation and enhancement of the cultural and natural heritage, notably the oral and intangible cultural heritage. They also referred to the need to respect and protect traditional knowledge, in particular that of indigenous peoples, and recognized the contribution of traditional knowledge with regard to environmental protection and the management of natural resources, as well as to fostering synergies between modern science and local knowledge. In view of this, the General Conference also decided to work towards a new international normative instrument, preferably a convention, in the field of intangible cultural heritage.

That same year (2001), the General Conference adopted the Convention for the Protection of the Underwater Cultural Heritage, which established a standard of protection comparable to that granted by other UNESCO conventions to land-based cultural heritage, now specific to underwater archaeological sites. Its regulations are linked to the 1970 UNESCO Convention and the 1995 UNIDROIT Convention, since it contains detailed provisions concerning the prevention of the illicit trafficking of cultural property recovered from the sea. However, this instrument does not contain a restitution-claim.

In 2002, the United Nations Year for Cultural Heritage, the role that cultural heritage policies, and in particular intangible heritage policies, play in development, reinforced the need to develop a framework for this form of heritage. In September 2002, representatives from 110 Member States, among them 72 culture ministers, participated in a roundtable on Intangible Heritage and Cultural Diversity, in Istanbul, Turkey. They adopted the Istanbul Declaration in which they recognized the value of intangible cultural heritage and recommended the adoption of a new international convention.

During the same month of September 2002 the first Intergovernmental meeting of experts on the preliminary draft convention for the safeguarding of the intangible cultural heritage was convened in Paris. Experts discussed whether or not a broad definition of intangible cultural heritage should be used, since they were afraid that vast and vague interpretation of the term would weaken a rigorous implementation of the Convention. They decided to include a reference to international instruments of human rights and to keep the terms 'communities' and 'groups' without any kind of qualifying terms that might give rise to different interpretations. Experts preferred the term 'cultural space' rather than 'cultural site' since the first also included the possibility of referring to buildings. Since intangible cultural heritage is a constantly evolving living heritage, experts decided to add 'transmitted from generation to generation' to the definition. Concerning the inclusion of languages as one of the domains in which intangible cultural heritage is manifested, a compromise was reached between the pros and cons with the wording 'language as a vehicle of the intangible cultural heritage'. Also, it was decided by consensus not to include any reference to religion within



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the domain of 'social practices, rituals and festive events'.

Almost all of the experts supported the proposal of States playing a prominent role in safeguarding intangible cultural heritage. Their main obligation would be to identify and define intangible cultural heritage present in their territories in consultation and cooperation with the concerned cultural communities, non-governmental organizations and other interested parties. It was also decided to create an international register of intangible cultural heritage supplied with inventoried heritage at the national level. This register (the future Representative List) would aim at ensuring the visibility of intangible cultural heritage and would contribute to promote cultural diversity.

Several other intergovernmental meetings followed in charge of drafting the Convention. Consensus was reached on the main topics, in particular concerning the importance of the role to be played by Member States, the importance of the international principles of cooperation and solidarity and the establishment of a flexible and effective mechanism of safeguarding, of an intergovernmental committee subordinated to the General Assembly of the States Parties and of a Fund for the Safeguarding of the Intangible Cultural Heritage.

In November 2003, the Culture Commission of UNESCO's General Conference recommended that the plenary of the General Conference adopt by consensus, as a UNESCO Convention, the International Convention for the Safeguarding of the Intangible Cultural Heritage. The Convention for the Safeguarding of the Intangible Cultural Heritage was adopted on 17 October 2003, with 120 votes in favour, 8 abstentions and no votes against. The Convention entered

into force on 20 April 2006, three months after the deposit of the thirtieth instrument of ratification. (See the updated list of States Parties at [www.unesco.org/culture/ich](http://www.unesco.org/culture/ich)). More than half of UNESCO's Member States have already signed up. The exceptionally rapid ratification of the Convention reflects the great interest in intangible heritage worldwide. It also shows a widespread awareness of the urgent need for the Convention's international protection, given the possible threat posed by contemporary lifestyles and the process of globalization. The innumerable activities already being carried out at the national level, and the many (intergovernmental) meetings organized at the international level, show that the adoption of this Convention and its swift implementation are a milestone in UNESCO's long-standing campaign to safeguard the world's living heritage.

The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, whose structure is also based on the programmatic approach of the 1972 Convention, places emphasis on the equal recognition of expressions and traditions with no hierarchical distinctions among them. The concept of 'outstanding universal value' embodied in the 1972 Convention does therefore not apply to the safeguarding of intangible cultural heritage. International recognition is based on the importance of this living heritage for the sense of identity and continuity of the communities in which it is created, transmitted and re-created. Such recognition is given by providing visibility to their heritage, which is the main purpose of the list foreseen in its Article 16. The Convention focuses principally on safeguarding activities and the exchange of good practices, rather than the listing system.

Another legal instrument within the field of culture has entered into force since



## Intangible Cultural Heritage

2003: the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. While the 2003 Convention deals primarily with the processes of transmission of knowledge within the communities and groups that bear this heritage, the 2005 Convention is devoted to the production of cultural expressions, as circulated and shared through cultural activities, goods and services. It complements the set of legal instruments deployed by UNESCO to foster diversity and a global environment in which the creativity of individuals and peoples is encouraged in their rich diversity thereby contributing to their economic development and to the promotion and preservation of the world's cultural diversity.

Culture has thus, for the first time in the history of international law, found its place on the political agenda, out of a desire to humanize globalization. In this proactive context, culture has become a genuine platform for dialogue and development, thereby opening up new areas of solidarity.



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Cultural  
Heritage

Intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.