CASE STUDY 48

The inventorying process in Country X

#### Notes to the facilitator

The fictitious example of Country X can be used to elicit some discussion among workshop participants about the following issues:

* How an emphasis on inventorying with the aim of commercialization of ICH can negatively affect the safeguarding outcomes of inventorying intended by the Convention and its ODs (Article 12.1, ODs 102(e), 116-17).
* How focusing on inventorying ICH of only some of the ethno-linguistic groups in a country can exclude certain kinds of ICH, for example elements practised by the immigrant communities. This is not in the spirit of the Convention, which asks States Parties to ‘identify and define the various elements of the intangible cultural heritage present in its territory’ (Article 11(b)).
* How focusing on national identity as a core criterion for inclusion in an ICH inventory can in some cases be contrary to the perception of communities about their own ICH. For example, some ICH elements may foster a sense of identity within local communities, based on their specific environment, interactions with nature and history that is rather different from broader national identities, although it may be compatible with them. Community participation (and consent) is required for the preparation of inventories (see Articles 11(b), 15).
* How the lack of community participation and limited rural community access to the inventory can negatively affect the safeguarding aims of the inventorying process outlined in Article 12.1. Participants can identify a number of ways through which greater community participation and consent could be encouraged in this case study.

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This is a fictitious example – any resemblance to ICH policies in an existing country is coincidental.

#### Questions to consider:

1. In what ways does the inventorying process in Country X follow or diverge from the guidance that the Convention and its ODs give on the purpose, scope and methods of inventorying the ICH present in the territory of States Parties?
2. How might the inventorying process in Country X contribute to or hamper ICH safeguarding there?
3. What four or five steps could be taken to bring the inventorying process in Country X more in line with the spirit of the Convention and its ODs?

#### Background

Country X is a large country with 60% of the population living in rural areas where the literacy rate is low. The majority ethno-linguistic group (representing 56% of the population) predominates in the urban areas, is in charge of the government of the country and their language is used in education and the media. There are several other ethno-linguistic groups in the country, five of which are recognized by the government as indigenous (they make up about 30% of the total population). Another three ethno-linguistic groups are recent immigrants (the remaining 14% of the total population).

After actively participating in the process of drafting the Intangible Heritage Convention, Country X became one of the first states to adopt it in 2005. The Dance of the Swords was proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity in 2002 (a now closed UNESCO programme) and was thus inscribed on the Convention’s Representative List in 2008 alongside 89 other former Masterpieces. In 2012 Country X saw the ‘Wedding dances of Armata’ inscribed on the Representative List.

National Law No.12 (1998) in Country X had already explicitly recognized the key role of the oral and intangible cultural heritage (ICH) in the construction of national identity and the commercialization of culture in the country. Since then, Country X has adopted further regulatory and legal measures to document, inventory, protect, promote and disseminate this heritage so as to ensure that the six main ethno-linguistic groups in the country get to know each other better and feel a common bond. The government hopes that the inventorying process and efforts to safeguard ICH will contribute to the development of tourism and other cultural industries, supported through intellectual property protection.

#### Inventorying the ICH

In October 2008 the government passed a decree for the establishment of an ICH inventory to help identify, record, preserve, study and revitalize its ICH. This was named the National Intangible Cultural Heritage Inventory, or NICHI. The project is managed by the Director of the Ministry of Culture’s Office for Intangible Heritage Management.

The ICH of the majority group will be inventoried first, to be followed by that of the other five indigenous ethno-linguistic communities. The NICHI will eventually include ICH elements from all communities in Country X recognized by the government, but it will not include the ICH of immigrant communities.

The definition and domains of ICH that are used in the national inventory follow those provided in Article 2 of the Intangible Heritage Convention except that an additional domain is added for culinary ICH. A questionnaire or ‘inventory form’ was developed for eliciting information for each element, including:

* The name of the element;
* The history of the element;
* Location, frequency and group(s) involved;
* The domain(s) of ICH under which the element falls;
* Threats to transmission; and
* Possible mechanisms for commercialization.

Elements that can contribute positively to tourism and other commercial enterprises in the country are indicated in the inventory. Out of 145 elements currently included in NICHI, 49 are marked as readily marketable.

Aside from the NICHI itself, there are two sub-lists, one containing elements that are included in NICHI and that the government intends to submit to the Convention’s Representative List, and one of elements it intends to submit for the Convention’s Urgent Safeguarding List. At present 12 of the 145 elements also figure in the Representative sub-list, two of them in the Urgent Safeguarding sub-list. Representatives of the communities concerned were informed about the inclusion of their elements in these sub-lists.

Inventorying training was initially provided through a capacity-building workshop in the capital city in January 2009. The workshop was organized by the Ministry of Culture and attended by 35 senior national officials, leading academic researchers, and a few national experts from other countries in the region. These other countries were also visited in order to find inspiration for developing appropriate inventorying models. Country X is eager to learn from best practices in other States Parties. In December 2009 the Ministry of Culture published a ‘practical handbook for the Inventory of the Intangible Cultural Heritage of Country X’ that is now being used by junior officials doing data collection in municipalities around the country. The government also intends to encourage the creation of a few NGOs that might assist communities in identifying and safeguarding their ICH.

A code of ethics governs the data collection and management. This code includes the following provisions:

1. ICH elements that contravene national laws (including human rights provisions in the Constitution of Country X), or that are detrimental to the promotion of national unity, should not be included;
2. Customs regulating access to certain aspects of ICH, especially sacred and secret knowledge, should be respected, and profits from commercial use of ICH should be shared with the communities concerned, except where patents can be granted to government that could contribute to national development priorities. Government patent offices and the national security services will keep information secure in such cases.

The inventory only incorporates information that has been verified by a team of experts in each domain, based at the National University in the capital city. A special committee appointed by the Ministry of Culture ensures that all information fits with the ideals of national identity. After verification, the inventory is accessible via a printed copy in the Central Library and the Library for Heritage Studies and Tourism at the National University. Communities whose ICH is inventoried, are called upon to submit additions and changes to the information already published about elements of their ICH. They and the general public are also invited to make suggestions for adding further elements to the inventory. These proposals are processed every year by the team of experts based at the National University and then verified by the special committee at the Ministry.