

Intangible Cultural Heritage



United Nations
Educational, Scientific and
Cultural Organization



Intangible
Cultural
Heritage



Implementing the Convention
for the Safeguarding of
Intangible



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UNESCO

The United Nations Educational, Scientific and Cultural Organization (UNESCO), a specialized agency of the United Nations, was founded on 16 November 1945, with a mandate in international cooperation in the fields of education, science, culture and communication. UNESCO functions as a laboratory of ideas and a standard-setter to forge universal agreements on emerging ethical issues. The Organization also serves as a clearing house – for the dissemination and sharing of information and knowledge – while helping Member States to build their human and institutional capacities.

Through its strategies and activities, UNESCO is actively pursuing the Millennium Development Goals, especially those aiming to halve the proportion of people living in extreme poverty in developing countries; achieve universal primary education in all countries; eliminate gender inequality in primary and secondary education by 2015; and help countries implement a national strategy for sustainable development to reverse current trends in the loss of environmental resources by 2015.

The Culture Sector is one of the Programme sectors of UNESCO. Its activities are in line with the core functions of UNESCO (advocacy, capacity-building, standard-setting, international cooperation, clearing house) through heritage protection, rehabilitation and safeguarding, through the effective implementation of cultural policies and the development of sustainable cultural industries in Member States. The Sector's programme builds on advances made in the recognition of cultural diversity for the sustainable development of peoples and societies, placing emphasis on a holistic approach to the protection and safeguarding of cultural heritage in all its forms, tangible and intangible.



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Cultural Heritage

📍 *The Oral Heritage and Cultural Manifestations of the Zápara People, Ecuador and Peru*

📍 *Aymara man playing a traditional Bolivian charango*

The General Conference of UNESCO adopted in 2003, at its 32nd session, the Convention for the Safeguarding of the Intangible Cultural Heritage. The Convention is the result of long-standing efforts since the foundation of UNESCO when reports were drafted and conferences organised to study and recognize the diversity of cultural identities of the world. Among UNESCO's normative instruments in the field of culture, the 2003 Convention is one of the major instruments for developing activities for the promotion of cultural diversity.

Goals and definitions

The 2003 Convention, which is the first binding multilateral instrument for the safeguarding of intangible cultural heritage, builds upon and reinforces existing international agreements, recommendations and resolutions concerning cultural and natural heritage. The Convention serves as framework for developing policies that reflect current international thinking in preserving cultural diversity and safeguarding intangible cultural heritage.

The Convention has four primary goals:

- **Safeguard** intangible cultural heritage;
- **Ensure respect** for the intangible cultural heritage of the communities, groups and individuals concerned;
- **Raise awareness** at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;
- **Provide** for international cooperation and assistance.

For the purposes of the Convention, intangible cultural heritage means the practices, representations, expressions, knowledge and skills – including the instruments, objects artefacts and cultural spaces associated with them – that communities, groups and individuals recognize as part of their cultural heritage.

It may be manifested in such domains as:

- **Oral expressions and traditions, including language as a vehicle of the intangible cultural heritage;**
- **Performing arts;**
- **Social practices, rituals and festive events;**
- **Knowledge and practices concerning nature and the universe;**
- **Traditional craftsmanship.**

This intangible cultural heritage is transmitted from generation to generation, constantly recreated by communities and groups, in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity.

The Convention does not provide a definition of communities because it recognizes that communities have an open character, not necessarily linked to specific territories. They can be dominant or non-dominant and a single individual may belong to different communities at the same time or switch communities.

According to the Convention, communities, groups and, where appropriate, individuals must be actively involved in the identification and definition of their own intangible cultural heritage as well as in its management since they are the only ones who create, recreate, maintain and transmit such heritage.

The term ‘safeguarding’ is prominent to emphasize that the main objective of the Convention is to ensure the long-term viability of intangible heritage within communities and groups. ‘Safeguarding’ is defined in the Convention as ‘measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage’.

The Convention focuses on living expressions of intangible heritage that are recognized as important by communities. These expressions provide them with a sense of identity and continuity. The Convention does not establish a hierarchy of intangible cultural heritage, all expressions being valued equally. It recognizes only those expressions of intangible heritage that are compatible with existing international human rights instruments, as well as with the requirement of mutual respect among communities, groups and individuals. The Convention also recognizes the importance of intangible heritage as a means for enhancing social cohesion, appreciation of the cultural



identities of other groups and sustainable development.

Concerning its relation to other international normative instruments, Article 3 of the Convention provides that nothing in the Convention may be interpreted as (a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated, or (b) affecting the rights and obligations of States Parties deriving from any international instrument related to intellectual property rights.

Statutory organs

The General Assembly of the States Parties to the Convention is the sovereign body of the Convention. The General Assembly meets in ordinary session every two years and may convene extraordinary sessions if it deems it necessary or at the request of either the Committee or of at least one-third of the States Parties. The General Assembly gives strategic orientations for the implementation of the Convention and elects the 24 members of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. Half of the Committee members are renewed every two years. In order to reflect the diversity of opinions and of safeguarding measures concerning intangible cultural heritage around the world, the General Assembly decided to apply the principle of equitable geographical distribution to the election of Committee members. The number of Committee members from each region proportionally depends on the number of States from that region that have already ratified the Convention.

The Committee meets in ordinary session every year and in extraordinary session at the request of at least two thirds of its States Members. Its core functions are to:

- **promote the objectives** of the Convention, provide guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage;
- **use the resources** of the Intangible Cultural Heritage Fund in accordance with the guidelines and the biannual plan adopted by the General Assembly;
- **inscribe** intangible cultural heritage manifestations proposed by States Parties on the Lists of the Convention mentioned in Articles 16 and 17;
- **select and promote** programmes, projects and activities submitted by States Parties which best reflect the objectives and principles of the Convention, as mentioned in its Article 18;
- **propose** to the General Assembly the accreditation of non-governmental organizations which may have advisory functions to the Committee.

The Convention also provides that the Secretariat of UNESCO shall assist the General Assembly and the Committee, prepare the documentation of their meetings and ensure that their decisions are implemented.

Operational directives

Article 7 of the Convention stipulates that one of the functions of the Committee is to prepare and submit to the General Assembly for approval operational directives for the implementation of the Convention. The General Assembly adopted the first Operational Directives in June 2008, and will continue to complete and revise them in future meetings.

Among other things, the Operational Directives indicate the procedures to be followed for inscribing intangible heritage on the Lists of the Convention, the provision of international financial assistance, the accreditation of non-governmental organizations to act in an advisory capacity to the Committee or the involvement of communities in implementing the Convention.



Photo © UNESCO / Anahit Minasyan

📍 Cross-crafting in Lithuania

Lists and programmes that best reflect the principles and objectives of the Convention

Article 17 of the Convention establishes a List of Intangible Cultural Heritage in Need of Urgent Safeguarding ('the Urgent Safeguarding List') with a view to taking appropriate safeguarding measures. Another list, the Representative List of the Intangible Cultural Heritage of Humanity ('the Representative List') was established to ensure better visibility of the intangible cultural heritage and awareness of its significance (Article 16).

Only States Parties may nominate elements of intangible cultural heritage for inclusion in the Lists of the Convention. The inscription criteria, modalities and procedures are indicated in Chapter I of the Operational Directives.

In addition to the two Lists, Article 18 of the Convention states that the Committee will periodically select and promote safeguarding programmes, projects and activities that it considers best reflect the principles and objectives of the Convention, taking into

account the special needs of developing countries. International assistance is also provided for these safeguarding activities.

Forms and procedures for the submission of nominations files as well as of proposals for safeguarding programmes, projects or activities are available at www.unesco.org/culture/ich/en/forms/.

International assistance

In order to be more efficient in achieving its goals, the Convention also establishes mechanisms for international cooperation and assistance, in particular through the Intangible Cultural Heritage Fund. According to chapter II of the Operational Directives, the safeguarding of heritage included on the Urgent Safeguarding List and the creation of inventories are given special priority in the allocation of funds. The Fund is also used for providing emergency assistance, or the participation in the sessions of the Committee of the members of communities and groups

Urgent Safeguarding List: inscription criteria

- U.1** The element constitutes intangible cultural heritage as defined in Article 2 of the Convention for the Safeguarding of the Intangible Cultural Heritage.
- U.2**
 - a) The element is in urgent need of safeguarding because its viability is at risk despite the efforts of the community, group or, if applicable, individuals and State(s) Party(ies) concerned;
 - or
 - b) The element is in extremely urgent need of safeguarding because it is facing grave threats as a result of which it cannot be expected to survive without immediate safeguarding.
- U.3** Safeguarding measures are elaborated that may enable the community, group or, if applicable, individuals concerned to continue the practice and transmission of the element.
- U.4** The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.
- U.5** The element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s) Party(ies).
- U.6** In cases of extreme urgency, the State(s) Party(ies) concerned has (have) been consulted regarding inscription of the element in conformity with Article 17.3 of the Convention.

and of experts in intangible cultural heritage. All forms and procedures for requesting international assistance are available at www.unesco.org/culture/ich/en/forms/.

States Parties are encouraged to make voluntary contributions to the Fund, in addition to their regular contributions, and these contributions are expected to play an important role in the

🕒 *The Royal Ancestral Ritual in the Jongmyo Shrine and its Music, Republic of Korea*

🕒 *Urtiin Duu – Traditional Folk Long Song, Mongolia and China*

Representative List: inscription criteria

- R.1** The element constitutes intangible cultural heritage as defined in Article 2 of the Convention for the Safeguarding of the Intangible Cultural Heritage.
- R.2** Inscription of the element will contribute to ensuring visibility, awareness of the significance of the intangible cultural heritage and dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity.
- R.3** Safeguarding measures are elaborated that may protect and promote the element.
- R.4** The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.
- R.5** The element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s) Party(ies).

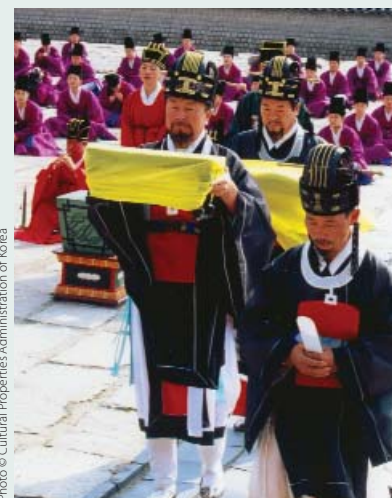


Photo © Cultural Properties Administration of Korea





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📍 El Güegüense,
Nicaragua

📍 The Vimbuza Healing
Dance, Malawi

Article 18: selection criteria

- a. The programme, project or activity involves safeguarding, as defined in Article 2.3 of the Convention.
- b. The programme, project or activity promotes the coordination of efforts for safeguarding intangible cultural heritage on regional, subregional and/or international levels.
- c. The programme, project or activity reflects the principles and objectives of the Convention.
- d. If already completed, the programme, project or activity has demonstrated effectiveness in contributing to the viability of the intangible cultural heritage concerned. If still underway or planned, it can reasonably be expected to contribute substantially to the viability of the intangible cultural heritage concerned.
- e. The programme, project or activity has been or will be implemented with the participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.
- f. The programme, project or activity may serve as a subregional, regional or international model, as the case may be, for safeguarding activities.
- g. The submitting State(s) Party(ies), implementing body(ies), and community, group or, if applicable, individuals concerned are willing to cooperate in the dissemination of best practices, if their programme, project or activity is selected.
- h. The programme, project or activity features experiences that are susceptible to an assessment of their results.
- i. The programme, project or activity is primarily applicable to the particular needs of developing countries.

implementation of the Convention. Extra-budgetary contributions from various funding sources enhance UNESCO's ability to create and implement new activities and programmes, as well as strengthening and expanding existing ones. Agreements between UNESCO and several Member States, including Japan, Norway, Spain, Italy, Belgium, Republic of Korea and the United Arab Emirates, as well as the European Commission, have led to significant contributions towards safeguarding the world's intangible cultural heritage.

Participation in the implementation of the Convention

Chapter III of the Operational Directives focuses on the role of communities, groups and, where applicable individuals, as well as experts, centres of expertise and research institutes in implementing the Convention. Chapter III also includes the directives for the participation of non-governmental organizations.

The Convention speaks about communities and groups of tradition-bearers in a non-specific way. The spirit of the Convention is such that communities should be seen as having an open character, not necessarily linked to specific territories. Their central role in the implementation of the Convention is already included in the definition provided in Article 2.1 of intangible cultural heritage. Articles 11, 13 and 15 of the Convention provide, among other things, that States Parties are required to take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in their territory and to include communities, groups and relevant NGOs in the identification and definition of elements of that intangible heritage. They shall endeavour to ensure the widest possible participation of communities, groups and individuals that create, maintain and transmit intangible cultural heritage within the framework of their



safeguarding activities and actively involve them in its management.

The role given to communities and groups in the Convention is reinforced in the Operational Directives: for instance, inscription on the Lists of the Convention or inclusion in the registry of good practices cannot be done without the free, prior and informed consent of the community or group concerned. Their involvement is also required in the preparation and implementation of safeguarding programmes that benefit from international assistance, and they must be willing to cooperate in the dissemination of best practices if their programme, project or activity is selected by the Committee as best reflecting the principles and objectives of the Convention. Among many other things, the Operational Directives also encourage States Parties to create a consultative body or a coordination mechanism to facilitate their participation, as well as that of experts,

centres of expertise and research institutes, in the identification and definition of intangible cultural heritage, the drawing of inventories, the elaboration of programmes, projects and activities, the preparation of nomination files and the removal of an element from a list or its transfer to the other.

Non-governmental organizations which have proven competence, expertise and experience in safeguarding intangible cultural heritage and objectives that are in conformity with the spirit of the Convention as well as operational capacities may be accredited to have advisory functions to the Committee. They may be asked to evaluate nomination files for the Urgent Safeguarding List, requests for international assistance of more than 25 000 USD or the programmes, projects and activities mentioned in Article 18 of the Convention. The criteria and procedures for their accreditation are set out in Chapter III of the Operational Directives.

📍 *Mak Yong Theatre, Malaysia*



🎧 *The Art of Akyns, Kyrgyz
Epic Tellers*

🍷 *The Moussem of Tan-Tan,
Morocco*

Reporting

States Parties have to periodically submit reports to the Intergovernmental Committee established under the Convention on the legislative, regulatory and other measures taken for the implementation of the Convention (Article 29). These reports shall also provide information on drawing up and updating inventories of intangible cultural heritage. According to Chapter IV of the Operational Directives they shall submit their reports by 15 December of the sixth year following the year in which the State deposited its instrument of ratification, acceptance or approval and every sixth year thereafter. These reports shall also include information on the status of all the elements of the intangible cultural heritage present in the State's territory that have been inscribed on the Representative List. Each State party shall also submit to the Committee reports on the status of elements of intangible cultural heritage present in its territory that have been inscribed on the Urgent Safeguarding List. Such reports should normally

be submitted by 15 December of the fourth year following the year in which the element was inscribed, and every fourth year thereafter

Visibility

Besides the measures taken at the national level to raise awareness about the importance of the intangible cultural heritage, several measures have been taken by the Committee to increase the visibility of its action worldwide. For instance, the Committee took the initiative to create an emblem, which will increase the visibility of the Convention and help raise awareness of the importance of safeguarding intangible heritage. The emblem was selected in June 2008 by the General Assembly. The Secretariat maintains a website (www.unesco.org/culture/ich) where all documents and decisions of the statutory meetings of the Committee and General Assembly can be found, as well as additional information on intangible heritage. The Secretariat also started collating a database of information from all around the world on intangible cultural heritage.



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Photo © Jaime Brotons

Becoming a State Party

The provisions of the Convention only apply in the territories of the States that are party to the Convention, that is, Member States of UNESCO that have deposited an instrument of ratification (or of acceptance, approval or accession) with the Director-General of UNESCO and for which the Convention has entered into force.

Ratification is 'the international act so named by whereby a State establishes on the international plane its consent to be bound by a treaty' (Article 2(1)(b) of the Vienna Convention on the Law of Treaties). Acceptance, approval and accession have the same legal effects as ratification. The Convention enters into force three months after the deposit by a State of its instrument of ratification, acceptance, approval or accession. An updated list of States Parties to the Convention is available at www.unesco.org/culture/ich.

The Convention is a permissive document and the majority of its articles are worded in non-prescriptive language, allowing governments' flexibility in their approach to its implementation. However, States Parties are required to adopt appropriate

measures at the national and international level to encourage and foster all forms of international cooperation aimed at safeguarding intangible cultural heritage. The specific obligations outlined in the Convention and in the Operational Directives for its implementation are summarised below:

- States Parties are required by the Convention to take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory and to include communities, groups and relevant NGOs in the identification and definition of elements of that intangible cultural heritage. To ensure identification with a view to safeguarding, States Parties are obliged to create one or more inventories of the intangible cultural heritage present in their territory, which shall be regularly updated. While Articles 11 and 12 are more prescriptive than other Articles in the Convention, they still provide enough flexibility for a State Party to determine how it will prepare its inventories. A State Party is not obliged to have already drawn up one or more inventories before ratification of the Convention. On the contrary, the development and updating of

inventories is an ongoing process aimed at carrying out identification with a view to ensuring the transmission of intangible cultural heritage.

- Articles 13, 14 and 15 of the Convention propose safeguarding and awareness-raising measures that a State Party should endeavour to apply, with the widest possible participation of communities, groups and, where appropriate individuals that create maintain and transmit intangible cultural heritage.
- States Parties are required to make regular contributions to the Fund established under Article 25 of the Convention. States Parties that did not make the declaration referred to in Article 26.2 of the Convention pay, at least every two years, a contribution into the Fund of 1% of their contribution to the regular budget of UNESCO. States that made the declaration referred to in Article 26.2 pay, at least every two years, a contribution into the Fund which is as close as possible to 1% of their contribution to the regular budget of UNESCO.

📍 *The Mystery Play of Elche, Spain*



■ States Parties are required to periodically submit reports to the Intergovernmental Committee on the legislative, regulatory and other measures taken for the implementation of the Convention (Article 29). These reports shall also include information on the status of all the elements of the intangible

cultural heritage present in the State's territory that have been inscribed on the Representative List. Each State party shall also submit to the Committee reports on the status of elements of intangible cultural heritage present in its territory that have been inscribed on the Urgent Safeguarding List.



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How does a State become Party to the Convention?

The State concerned deposits the following instrument with the Director-General of UNESCO

Model Instrument of Ratification/Acceptance/Approval/Accession

WE

.....

.....

(NAME OF HEAD OF STATE or GOVERNMENT or MINISTER FOR FOREIGN AFFAIRS)

of(COUNTRY)

Having seen and examined UNESCO's CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE (2003)

By virtue of the powers vested in us, have approved it and do approve it in its entirety and in each part, in accordance with the provisions therein contained,

Declare that we ratify/accept/approve/accede to the said Convention in accordance with Articles 32 and 33 thereof, and vow that it shall be scrupulously observed,

IN WITNESS WHEREOF we have deposited this instrument of ratification/ acceptance/approval/accession, to which we have affixed our seal.

Done at (*place*).....

On (*date*).....

(*Seal*)

(*Signed*).....
HEAD OF STATE/HEAD OF GOVERNMENT/MINISTER FOR FOREIGN AFFAIRS



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.