Dear Ms Kristin Kuutma, Chairperson of Estonia National Commission for UNESCO, Ladies and gentlemen, dear friends and colleagues,

I would like first to thank the authorities of Estonia, the National Commission for UNESCO and the Ministry of Culture for organizing this capacity-building workshop and for having invited me to take part in it. As Chief of the Section of Intangible Cultural Heritage of UNESCO and Secretary of the 2003 Convention, it is a great opportunity for me to meet with some of the key stakeholders in the implementation of this Convention, and to share views with you on the best ways to bring this normative instrument into real and concrete life.

As I am one of the first speakers of this workshop, I will start by the broadest picture: an overview on keywords and key concepts of this Convention.

As most of you already know, the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted in October 2003 and entered into force in 2006, with the ratification of its thirtieth State Party. To date, less than seven years after its adoption, 127 States have ratified it, which can be considered as a very rapid pace of ratification, compared to the well-know World Heritage Convention, which took twenty years to gain the same number of States Parties.

This rapid pace is remarkable, but not surprising. The international legal framework developed over the years by UNESCO in the field of cultural heritage was obviously lacking an important dimension: a type of heritage that makes our daily lives so
different one from another, giving us the sense of our diverse belonging and providing us with a direction for our own future. What has been called, after long and thorough debates at the international level, ‘intangible cultural heritage’.

You probably all know that after the entry into force of the Convention in 2006, the States Parties undertook the exercise of elaborating the Operational Directives, which were needed to guide the concrete implementation of the Convention. How to nominate heritage to the lists? Which criteria would govern inscriptions? Which criteria would be applied to grant international assistance? To accredit NGOs to provide advisory services? These were among the many questions to be defined before implementation could begin at the international level. It took two years to elaborate a first set of operational directives, and therefore the first cycle of international implementation of the Convention started with the adoption of these operational directives by the 2nd ordinary session of the General Assembly in June 2008.

The past two years have shown that the Convention was not understood and implemented in a consistent way throughout the world. This is despite great enthusiasm and a real need felt among many countries that urgent action had to be taken to safeguard the intangible heritable that was, in many cases, threatened by globalization processes and rapid social changes. However, instead of focusing on the urgent tasks – safeguarding the intangible cultural heritage in danger – States have essentially concentrated on the promotional aspects, proposing many nominations to the Representative List of the Intangible Cultural Heritage of Humanity, and very few to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, not to mention the Register of Best Practices that was nearly ignored. Last but not least, States submitted few requests for the international assistance that is provided under the Fund created under the Convention, and therefore few developing countries could benefit from the financial assistance that was available.

Let me give you some numbers so that you can better understand the situation. In the first cycle in 2008, 111 nominations were received for the Representative List, while only 12 were received for the Urgent Safeguarding List and 3 for the Register of Best Practices. The second cycle, which began on 31 August 2009, saw a continuation of the same trend: 147 nominations were received for the Representative List and 5 for the Urgent Safeguarding List, while 15 proposals were submitted to the Register of Best Practices. For these two cycles International Assistance requests were very few.
third cycle has begun and 34 files have been submitted for the Urgent Safeguarding List.

This is why UNESCO has put a strategic emphasis in the 2010-2011 biennium on strengthening the capacities of States Parties to implement the Convention. All stakeholders of the Convention deserve such capacity building, and this workshop is one of the first to be launched in this context. I truly hope it will help you to implement the Convention more effectively within your countries and to benefit more from the mechanisms at the international level established by the Convention. It will serve as a pilot and should be followed by other similar workshops to be conducted later in other regions.

I will therefore try to highlight, in the time I am given at the beginning of this workshop, some of the keywords belonging to the Convention, and I hope this will help you to understand better what this Convention is about, what it aims to achieve, and what are its main mechanisms.

**What is the Convention about?**

The title of the Convention speaks for itself: it is about the **safeguarding** of the **intangible cultural heritage**. Two keywords that probably need further clarification. However, I will not start by the definition of what is ‘intangible cultural heritage’, but by the term ‘safeguarding’ and its meanings.

*Safeguarding*

‘**Safeguarding**’ is indeed the main objective of the Convention. It is not superfluous to re-emphasize this, as the first cycle of implementation may have already shown some misunderstanding on that aspect. I will come back to that later in my remarks.

What is meant by ‘safeguarding’ when we are speaking of a living heritage? According to Article 2.3 of the Convention, ‘safeguarding’ means to ensure the long-term viability of intangible heritage within communities and groups. 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, are all included in the notion of ‘safeguarding’ according to
this article. We will be speaking about each of these measures in detail later today and tomorrow, but perhaps a general overview will help initiate that conversation.

**Identification and documentation**

*Identification* and *documentation* are indeed one of the first measures to undertake in order to assess the situation and vitality of the different elements of ICH present on a given territory. Articles 11 and 12 of the Convention are specifically dedicated to that purpose, asking the States Parties to ‘identify and define the various elements of the intangible cultural heritage present in [their] territory, with the participation of communities, groups and relevant non governmental organizations’ (Article 11). Article 12 also invites each State to ‘draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory’, adding that ‘these inventories shall be regularly updated’. This is a very concrete obligation of States Parties, which does not mean that they have to realize them at the governmental level, or that these inventories must be of a ‘national’ nature. Inventoring may be carried out by individuals and competent bodies, public or private, but must always be with the participation of communities, groups, individuals and relevant non governmental organizations.

It is important to note the difference between an inventory of tangible heritage (with its norms and state-of-the-art practices) and the inventories of intangible heritage. In the case of intangible heritage, the Convention does not suggest any methodology of inventory-making, and adopts a flexible approach for States to decide how to implement article 12.1, bearing in mind the specific situations in their own countries. The key notion, once again, is that inventorying must be done with the participation of the communities or groups concerned, since they are the ones who can determine if an element is or is not part of their intangible heritage. Of course, research can also provide better understanding of a given element, its history, meanings, social, cultural and economic functions, practice, modes of transmission, and the dynamics of its creation and re-creation, but inventorying can never be the task of researchers alone.

The challenge for a State is how to accomplish the task of inventorying since there are no binding instructions or guidelines? In this case, sharing past and on-going experiences, not only at the national level, but also at the regional and international levels, will be a good solution. There are examples of interesting experiences, from which useful lessons can be drawn. I am sure many of you, as experts from NGOs,
should already have some successful working experiences of identifying, defining and
documenting ICH. Indeed, NGOs have a very important role to play in this regard, as
clearly stated in Article 11.

Inventorizing is fundamental but also risky.

Fundamental because, if done with a real bottom-up approach, it will have not only the
benefits of the documentation *per se*, the recording of elements that may be in the
process of disappearance, but also a positive effect on their viability, as it will provide
the communities participating in the inventory a greater sense of the importance of their
heritage, reinforcing their pride and therefore their commitment to its practice. That is
why we say that inventorizing is part of safeguarding. Within communities, recognition is
often a precondition for the active involvement of the younger generation in
safeguarding measures.

But an inventory can also be an occasion for a State to reinforce social and cultural
disparities, if it ignores the intangible heritage of minorities or gives an unbalanced
treatment to different expressions for geopolitical purposes. Moreover, States still have
the tendency, because of the ‘tangible heritage’ background, to think that they
themselves have to undertake these inventories, and designate ‘experts’ that know
better that anybody what deserves the qualification of ‘intangible cultural heritage’. We
need always to come back to the definition of intangible heritage: it is up to the
communities themselves to decide what is, or is not, their own intangible heritage. That
is why their role is of essence in the inventory-making process, together with the role of
the NGOs concerned.

Another risk is also to confound inventorizing with safeguarding, and to stop there:
publishing nice books, creating a museum and producing documentary films showing
the wealth of this intangible heritage. These activities, all very interesting and useful,
tend to forget the ‘viability’ aspect, the fact that only transmission is able to ensure that
the practice, the expression, will keep its social function and continue to be performed
in the real life of the communities concerned. Of course, transmission can be
calculated by such publications, institutions or supports, but it will primarily be
ensured *in situ*, on the ground, in the community and in its daily life.
Preservation and protection

Among the range of safeguarding measures, two terms in wide use – preservation and protection – deserve careful consideration. In the context of the Convention, preservation of intangible heritage means the efforts of communities and culture bearers to maintain continuity in the practice of that heritage over time. Protection refers to deliberate measures – often taken by official bodies – to defend intangible heritage or particular elements from threat or harm, perceived or actual. Protective measures may be legal in nature, such as laws permitting certain ICH practices, ensuring a community’s access to needed resources, preventing misappropriation, or prohibiting actions that would interfere with the viability of heritage. They may also include customary measures such as ensuring that a tradition is transmitted in an appropriate way and that knowledge about it is not misused. Under the Convention, neither preservation nor protection should be understood as freezing heritage in some lifeless, unchanging form, because intangible heritage is always being created and recreated.

Promotion and enhancement

Promotion and enhancement are other keywords found in this long Article 2 defining Intangible Cultural Heritage and its ‘safeguarding’. I guess the first of these notions, ‘promotion’, has been the most appreciated in the first instance, as I just pointed out: many nominations have been proposed for the Representative List in the first two cycles of implementation. And it is true that promotion can have very positive effects within a community for its self-esteem and pride to see its intangible cultural heritage recognized outside its own circle, be it at the regional, national or international level. And those positive effects can in particular strengthen the behaviour of young people towards this heritage. The other positive effect, which is of course of the utmost important, is the ‘promotion of the respect for cultural diversity and human creativity’. This is one of the main objectives of UNESCO inscribed in its Constitution, and there is no doubt that this Convention, beyond being a tool for the safeguarding of intangible heritage, is a powerful instrument for dialogue among cultures and promotion of mutual understanding, tolerance and respect.

Transmission

But as we saw from the outset, the primary measure for safeguarding ICH is transmission. The Convention attaches great importance to transmission, which
reflects the commitment to providing future generations the knowledge, skills and practices inherited from past generations. We can say that safeguarding is really aimed at allowing ICH practices, representations, expressions, knowledge, skills and associated tangible manifestations to be sustainably maintained by the communities, groups or individuals concerned. Transmission of ICH occurs when practitioners and other cultural bearers within a community pass these on in formal or non-formal ways. Often, ICH transmission also entails communicating the significance, history and associated values, and even the appreciation of the cultural expression concerned. The traditional processes of transmission are often non-formal means, through the human body and the word. Young people acquire knowledge and skills by observing, imitating and practising or by participating in community activities. There are also formal means of transmission such as long processes of initiation and apprenticeship with a master for several years. When traditional forms of transmission are broken or weakened, the viability of the ICH element is often threatened. Under such circumstances, formal or non-formal education may be an alternative and contribute to the safeguarding and transmission of ICH.

**Revitalization**

Finally, another concept arising from the definition of intangible cultural heritage in Article 2 is *revitalization*. Revitalization means taking actions to reactivate, restore and strengthen ICH practices and expressions that are weakened and likely to disappear in the near future if no measure is undertaken. Given the definition of ICH as constantly created and re-created, and transmitted from generation to generation, an element that has become extinct and does not remain in the lived memory of community members associated with it cannot be revitalized. The reinvention of an extinct tradition, practice or expression through books, documents or historical records is not revitalization as described in the Convention, because it is not living heritage anymore. In such a case, it is an act of invention, which is a conscious reproduction or reconstruction to serve particular ends and interests. These may be political, ideological, economic, etc. The tourism industry can for example be inclined to create such situations, where tourists can enjoy ‘living traditions’ that have no more place in the social life of any community. Over time, such reinvented forms may become intangible heritage if they are constantly created, re-created and transmitted through generations, but they cannot be deemed as heritage at the moment of their recreation. Within the Convention, restoring and strengthening heritage that is weak and endangered – that is, revitalization – are
welcomed as a fundamental safeguarding measure; but the reinvention of extinct elements falls outside the scope of the Convention.

We will have ample occasion, this afternoon and in the coming days, to come back to these notions.

Communities, groups and individuals...

From my preceding remarks, you noticed that **communities, groups and individuals** play a central role in the practice, transmission or revitalization of Intangible Cultural Heritage. But what do we mean by ‘communities, groups and individuals’ in the context of the Convention? And why is their involvement so central?

I will probably disappoint you when I will give you a very vague, flexible and open definition of ‘communities’. Indeed, communities do not necessarily link to specific territories as the concept of indigenous community does. For the purposes of implementing the Convention, communities refer to a network of people who share a sense of connectedness and identity in the practice and transmission of their intangible cultural heritage. Groups consist of persons from one or more communities who share specific characteristics such as skills, experience and knowledge in the practice and transmission of their ICH, while individuals possess them in their own right.

Although the Convention does not provide a concrete definition of community, community participation is repeatedly emphasized in several parts of the Convention, meaning that the persons most involved with particular intangible heritage are those able to define their intangible heritage, and must therefore be fully associated with and involved in the various activities conducted to safeguard it.

This is why a demonstration of the widest possible community participation is asked for in the nomination criteria for the Lists of the Convention. This is also why it is necessary to ensure that communities are always the key actors in all possible activities and safeguarding strategies since they are the ones who create, recreate, maintain and transmit such heritage. Without the active involvement and participation of the communities concerned, safeguarding measures will not be able to be effectively implemented and will not ensure transmission within the community.
... and their prior, free and informed consent

In this context, the **free, prior and informed consent** of the community is not an option, but a mandatory requirement for any initiative of safeguarding. In the same spirit, the **respect of customary practices governing access** to specific aspects of ICH is also an important requirement, spelled out in Article 13 of the Convention. This is especially relevant when safeguarding measures or inventory-making also involves actors who are not members of the community, or when dealing with tourism or promotional activities, including the media.

**Viability**

Coming back to our first keyword, ‘safeguarding’, whose meaning in the Convention is ‘to ensure the long-term viability of intangible heritage within communities and groups’, the next questions that would need some clarification are: How to ensure the **viability** of intangible cultural heritage? How to ensure that its significance to the community or group concerned does not disappear? How to ensure its ongoing transmission? Viability depends first and foremost on the commitment and capacity of the bearers (the community, group or individuals concerned) to practise their heritage as part of their contemporary social life, and to transmit it to future generations. Their efforts can be usefully supported by State policies and institutions. The concept of ‘viability’ in the Convention is therefore linked with the notion of ‘sustainability’, meeting the needs of the present without compromising the ability of future generations to meet their own needs.

However, the viability of the intangible heritage – its practice and its sustained transmission – is sometimes (I would even say more and more often) endangered by processes such as globalization, urbanization, climate change, natural disasters, poverty, migration or conflicts. Even changes that are accepted and viewed as positive by communities, such as access to mass media, tourism, or action by the public authorities and/or non-governmental organizations to promote development, can jeopardize the community’s enhancement of the viability of its intangible cultural heritage.

We are therefore at a very complex juncture: we advocate ‘culture for development’, we advocate that intangible cultural heritage is a mainspring for cultural diversity and a guarantee for sustainable development (Preamble of the Convention), but we also
know that development itself, in some of its aspects, can be a real threat to the viability of the intangible cultural heritage.

But let us also be sure that we are all speaking of the same thing when speaking about ‘intangible cultural heritage’. I will therefore now come to the definition of intangible cultural heritage according to the Convention.

**Definition of Intangible Cultural Heritage**

The **definition** of the intangible cultural heritage in the Convention is very long, but should be read from beginning to end. One missing phrase may give rise to a real misunderstanding of what is ‘intangible cultural heritage’.

So what exactly is intangible cultural heritage? The Convention provides a definition in its Article 2: intangible heritage is the ‘practices, representations, expressions, knowledge, skills (...) that communities, groups and, in some cases, individuals recognize as part of their cultural heritage’. The originality of this definition is with the central role of communities in the recognition of what is, for them, their own intangible heritage. No external expert, no political decision-makers, no international jury may decide for them, just the practitioners, the bearers, those that enact and recognize a specific heritage as their own. This fundamental principle lies at the very centre of the Convention and has huge implications for how it is to be carried out.

The definition goes on: ICH is ‘transmitted from generation to generation, [it] is 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’. ICH is therefore not necessarily beautiful, original, or exceptional. The framers of the Intangible Heritage Convention rejected any notion of ‘outstanding universal value’ or any hierarchies among different expressions of heritage. Each expression of intangible heritage is precious to those that practise it, providing them the very essence of their belonging to their community. Each element or expression has the highest value for its practising community. This is why the Convention is promoting genuine respect for cultural diversity and human creativity among different communities.

Finally, the Convention makes clear that for its purposes, only ICH that is consistent with internationally accepted human rights instruments and with the principle of mutual respect can fall within the scope of the Convention. The Convention, or the goal of
safeguarding intangible heritage, cannot be instrumentalized to contravene universal human rights principles.

You understand from this definition that the intangible cultural heritage is always traditional, transmitted from generation to generation, but at the same time always living, constantly recreated by communities and groups, in response to their environment, their interaction with nature, and their history. Obviously, because intangible heritage is constantly recreated, the concept of authenticity is not at all relevant. This is very often a source of misunderstanding from those who try to apply to ICH the concepts of tangible heritage, where authenticity is on the contrary a key notion.

The other great difference lies in those that are able to determine the nature of what we are speaking about: is it, or is it not, heritage? In the case of tangible heritage, we are accustomed to calling upon experts to decide. However, for ICH, it is for the communities themselves to decide if a given expression is or is not ICH. In the case of the picture, the difference doesn’t lie in the external aspect of the performance, but in the fact that there is a community that has been transmitting this expression from generation to generation, to whom it gives a sense of identity and continuity. It has changed from decade to decade, each time this expression has been performed by a next group, but it is still carrying a continuous meaning for the community. Another expression could have been a performing art, copied from a traditional practice, but without any community behind it, only dancers and musicians paid for performing it.

Oral traditions and expressions, 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, are among the domains of ICH. But this is a non exhaustive list provided in Article 2.2 of the Convention, and they often overlap.

What does the Convention aims to achieve?

The Convention has four stated objectives, stated in its first Article:

**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; and

provide for international cooperation and assistance.

Both the Preamble and the text of the Convention clearly indicate that fulfilling these goals can be best undertaken through cooperation at the subregional, regional and international levels. They are subject to different provisions, and altogether, they contribute to ensure the overall viability of intangible cultural heritage.

Let us explore how.

**What are the Convention’s main mechanisms?**

There are several complementary ways to fulfil these goals. First, States Parties have to take the necessary measures at the national level to identify and safeguard the ICH present in their territory with the full participation of the communities, groups and relevant non-governmental organizations (Article 11). I know we will be hearing more about this in the next few minutes from Harriet Deacon. As I mentioned earlier, the elaboration of one or more inventories that are to be regularly updated is an obligation laid out in article 12 of the Convention. Other measures include adopting a general policy for ICH safeguarding, establishing one or more competent bodies to deal with it, fostering scientific research, education and raising awareness on the importance of ICH and of its safeguarding. Every six years, States have to report to the Committee on measures they have taken for the safeguarding of the ICH present in their territories.

At the international level, States Parties may nominate elements of ICH present on their territory for inscription on the two Lists of the Convention: the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity (respectively articles 17 and 16). The Operational Directives provide that States Parties are encouraged to submit jointly multi-national nominations to these Lists when an element is found on the territory of more than one State Party.

States Parties can also propose national, subregional and regional programmes, projects and activities for the safeguarding of the intangible heritage that best reflect the objectives of the Convention. Once selected, they are included in the Register of Best
Practices, and widely disseminated in order to benefit all States Parties as an experience to be shared (Article 18).

And because international cooperation is at the heart of the Convention, one of the most tangible forms it takes is international financial assistance that is available to States Parties, particularly developing countries.


The General Assembly is the sovereign body of the Convention. It meets in ordinary session every two years, gives strategic orientations for the implementation of the Convention and elects the 24 members of the Intergovernmental Committee based on the principle of equitable geographical distribution. Half of the Committee members are renewed every two years.

The Committee promotes the objectives of the Convention, and monitors its implementation; it grants international assistance and decides on inscriptions on the two lists and the Register of best practices.

The third session of the General Assembly that took place in June last saw a number of important decisions taken, particularly to supplement the Operational Directives with three additional chapters, as well as to revise sections of the existing Directives, based upon the Convention’s experience implementing them.

A major substantive modification concerns the procedure for examining nominations to the Urgent Safeguarding List, proposals for the Register of Best Practices, and International Assistance requests greater than US$25,000. In the 2008 Directives, each of these had its own specific procedure, leading to a good bit of confusion, and the results were not always as strong as desired. The General Assembly thus decided, on an experimental basis, to consolidate these into a single procedure, in which the files would be examined by a Consultative Body.

This Consultative Body will be composed of six accredited NGOs and six independent experts, with half of its members renewed annually. It will be established by the Committee, taking into consideration the principle of equitable geographical representation. The Consultative Body will examine files pertaining to these mechanisms and make recommendations to the Committee for its decision. This new
body should permit a more coherent and comparable treatment of files during each cycle and from one cycle to the other. Annual renewal of expertise in the consultative body will allow it to benefit from a wide range of assistance, but also to ensure consistency in its methods of work.

I will not enter into details of other changes in the Operational Directives, but I of course invite each of you to read them carefully as they provide an important roadmap for the implementation of the Convention. We have provided you with printed copies.

**Conclusion**

Since we are going to discuss safeguarding measures both at the national and international levels in the coming days, I shall not try to elaborate further what I have presented for now. I am of course available for any questions you may have. It is my hope that my presentation on ICH keywords will help you to identify not only the different roles that you have played in your previous experience of safeguarding ICH, but will also generate questions with regard to the roles of NGOs in the Convention. I believe that with the upcoming presentation of the experts and your group discussions, you will definitely achieve the goal of this capacity-building workshop, which is to enhance the role of NGOs in implementation of the Convention.

I am convinced that intangible heritage lies at the heart of the questions posed by societies today as they seek to adapt to global change. Efforts to safeguard intangible heritage are important in helping communities grapple with the challenges of globalization, not only by preserving the values and practices that define their way of life, but also in promoting respect for other cultural traditions and ways of life. They are a way of engaging with cultural differences and building social harmony. In this, the safeguarding of intangible heritage can bring tangible benefits to all societies as well as to relations between them, helping us to answer the challenges of today, while also providing inspiration to shape the world of tomorrow. I am happy that we can engage in this endeavour together.

Thank you for your attention.