

**International Round Table:
“Intangible Cultural Heritage – Working Definitions”
Piedmont, Italy, 14 -17 March 2001**

ANNOTATED AGENDA

1. Background

‘Folklore (or traditional and popular culture) is the totality of tradition-based creations of a cultural community, expressed by a group or individuals and recognized as reflecting the expectations of a community in so far as they reflect its cultural and social identity; its standards and values are transmitted orally, by imitation or by other means. Its forms are, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, architecture and other arts’.

The 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore* gives the above definition to the term ‘folklore’ or ‘traditional and popular culture’. This definition has also been applied by UNESCO since 1989 in relation to ‘intangible cultural heritage’.

In 1973, following a request to the Director-General of UNESCO by the Government of Bolivia to add a Protocol for the protection of folklore to the Universal Copyright Convention (UNESCO/WIPO), UNESCO, through its culture sector, undertook examining the safeguarding of this heritage globally. After sixteen years of laborious analysis and debate among experts and government representatives, the *Recommendation on the Safeguarding of Traditional Culture and Folklore* was adopted in 1989 by the General Conference at its 25th session.

The Recommendation is the first and only international legal instrument to be developed in the ‘cultural’ domain, and comprises seven sections: A) Definition, B) Identification, C) Conservation, D) Preservation, E) Dissemination, F) Protection, and G) International Co-operation. Since 1995, UNESCO has sought to systematically assess the implementation of the Recommendation among Member States and to evaluate the contemporary situation of the safeguarding and revitalization of intangible cultural heritage worldwide.

Other Sectors of UNESCO have commenced work aiming to identify intangible heritage in need of protection such as sacred traditions associated with sites, ecological practices, pharmaceutical and biological systems and transmission of these between generations.

In 1999, UNESCO and the Smithsonian Institution, Washington D.C., co-organized an international conference entitled ‘A Global Assessment of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore: Local Empowerment and International Co-operation’. The conference was the culmination of eight regional seminars held by UNESCO between 1995 and 1999.

The Washington Conference pronounced that ‘the term “folklore” has generally been considered inappropriate’, but ‘emphasized the importance of its definition as it stands in the 1989 Recommendation’. The conference then recommended that ‘a study be undertaken on a more appropriate terminology’¹. The conference also recommended that Member States submit a Draft Resolution ‘requesting UNESCO to undertake a study on the feasibility of adopting a new normative instrument on the safeguarding of traditional culture and folklore’.²

Upon the request³ of the Czech Republic, Lithuania and Bolivia, and with the support of Bulgaria, Côte d’Ivoire, Slovakia and Ukraine, the UNESCO General Conference at its 30th session (November 1999), adopted a Resolution⁴ to prepare a preliminary study on the ‘advisability of regulating internationally, through a new standard-setting instrument, the protection of intangible cultural heritage’. The preliminary study prepared by the Secretariat of UNESCO was finalised and will be submitted to the Executive Board at its 31st session (May – June 2001).

2. The Objectives of the Present International Round Table

Terms such as ‘intangible cultural heritage’, ‘folklore’, ‘traditional knowledge’, ‘indigenous knowledge’ and ‘oral heritage’, among others, are frequently used as working terms by many organizations, both inter and non-governmental, as well as by other institutions concerned with cultural heritage. While some organisations and institutions have already attempted to define these terms, many have not reached clear definitions. For its part, UNESCO, which has been applying the definition of the 1989 Recommendation during the past twelve years, needs to revisit it, as recommended by the Washington Conference⁵. Any new instrument will need to take into account changes in approaches to intangible heritage which have occurred in recent years.

The question of terminology for a standard-setting instrument cannot be separated from the issue of the scope and content of intangible cultural heritage, which should be the subject of a future international instrument.

The Round Table provides a forum for leading experts of different disciplines and regions to present their perspectives in order to identify the existing elements and practices on which protective action is based in UNESCO and its Member States in view of developing the most appropriate terminology and working definition of intangible cultural heritage for UNESCO.

¹ Action Plan, International Conference: *A Global Assessment of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore: Local Empowerment* Preamble, 2

² Ibid, C.12

³ Draft Resolution 84, UNESCO General Conference, 30th session

⁴ Resolution 25/B/III 1-1-2-(a)(iii) Records of the General Conference

⁵ Mc Cann, A., *The 1989 Recommendation Today: a Brief Analysis*, document presented at the conference, ‘A Global Assessment of the 1989 Recommendation on Safeguarding of Traditional Culture and Folklore’ (Washington 1999), which proposes two aspects for improvement of the 1989 Recommendation. The first refers to ‘...expanding the enumeration and description of groups that have stake in creating, preserving, studying and disseminating folklore and traditional culture...’ [section 2], ‘...the groups whose institutional activities are addressed by the 1989 document are principally research scholars and governmental cultural workers. These must also include local groups of producers, non-governmental organisations and various private sector institutions in the culture industry....’ [Section 2.2]. The second proposes ‘...a more inclusive definition of folklore and traditional culture itself, one that includes not only artistic products like tales, songs, decorative designs and traditional medicines, but also the knowledge and values that enable their production, the living act that brings these products into existence, and the modes of interaction with which the products are appropriately received and appreciatively acknowledged’ [Section 2].

The domains of intangible cultural heritage that UNESCO's programmes and activities will seek to encompass should be those in which the Organization in all its Sectors has historically played a leading role, in which it continues to have a distinct comparative advantage and in which it can respond to new demands. The new working definition should be both compatible with contemporary cultural situations worldwide and consistent with the framework of the Organization's specific mandates (please see extract of UNESCO Mandate attached).

3. The Organization of the International Round Table

The Round Table discussions will take place in four sessions. During each session, designated experts will make presentations and debates will follow. A fifth and final session will be devoted to conclusions and to the adoption of an Action Plan and the Final Report. The sessions will discuss the following topics:

i) Terminology and working definitions currently in use by Member States as well as by intergovernmental and non-governmental organizations

What is meant by 'intangible cultural heritage' and other terms, such as, 'folklore', 'traditional culture', 'oral heritage', 'traditional knowledge', and 'indigenous heritage', currently in use by different Member States, IGOs, NGOs and other interested parties will be examined. In February 2000 UNESCO carried out a survey on the protection of intangible cultural heritage within Member States. The survey was based on a targeted questionnaire and the 36 replies providing identified elements of "intangible cultural heritage" are now available for examination.

The recent results of an on-going survey of working definitions of 'intangible cultural heritage' and other above-mentioned terms currently in use by intergovernmental and non-governmental organizations as well as their perspectives on these terms provide a starting point for elements to be considered. This session will be introduced by Dr Lourdes Arizpe, Anthropologist, Universidad nacional autónoma de México, and Dr Manuela Carneiro da Cunha, Anthropologist, University of Chicago.

Among other UNESCO initiatives, participants at the Round Table may wish to take into consideration works done by UNESCO in related areas such as intellectual property rights, indigenous cultural heritage and local knowledges.

A major priority for UNESCO is now the respect for cultural diversity; that implies not merely respect for scientific aspects of other cultures, but also for those cultures' perceptions of their own identity, taking into account the social, intellectual and cultural processes that generate such identity and their holistic views of life.

It is evident that in this new context UNESCO, which is the only intergovernmental Organisation with a mandate to deal with all these aspects, should study very carefully any proposal for a new instrument. In particular, it should be aware of the need to explore new approaches to the definition and protection of intangible cultural heritage.

ii) Terminology in the field of intangible cultural heritage and related areas

In addition to ‘intangible cultural heritage’, ‘folklore’, ‘traditional and popular culture’, ‘oral heritage’, ‘traditional knowledge’ and ‘indigenous knowledge’, various other terms are frequently used in reference to this domain of heritage without specific working definitions. Examples include ‘oral traditions’⁵, ‘cultural community’⁶, ‘distortion’⁷, ‘integrity of the traditions’⁸, ‘revitalisation’⁹, ‘transmitters’¹⁰, ‘practitioners’, ‘custodians’, ‘bearers of knowledge’, ‘creators and actors of traditional cultural expressions’, ‘cultural and social identity’, ‘performing arts’, ‘traditional forms of folklore’, ‘living culture’, ‘folklorisation’, ‘cultural appropriation’, ‘know-how’, ‘technical skills’, etc.,

Current terminological difficulties may derive to some extent from recent debates concerning the notion and definition of ‘culture’. Further to this, the assessment of the 1989 Recommendation by UNESCO, and the development of related new programmes in the Organization, such as ‘*The Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity*’ and the ‘*Human Living Treasures System*’, have significantly raised awareness and generated interest worldwide. Further, the holistic perspectives of certain communities have highlighted the need to reconsider the approach of the 1989 Recommendation and in consequence to explore options for a working definition of the concept of intangible cultural heritage.

Participants are invited to advise UNESCO on the identification and development of elements for a working definition, taking into account the most appropriate areas of work of the Organization’s Programme. Peter Seitel and James Early from the Smithsonian Institution will introduce this session.

iii) Preliminary study on the advisability of internationally regulating the protection of traditional culture and folklore through a new standard-setting instrument

Pursuant to the Resolution adopted by the General Conference at its 31st session, a *Preliminary Study on the Advisability of Developing a New Standard-setting Instrument for the Safeguarding of Intangible Cultural Heritage* has been undertaken. The study provides an analysis of the 1989 Recommendation in the context of a potential instrument as well as its application in Member States. It also assesses the application of Intellectual Property Rights to intangible cultural heritage, and addresses traditional knowledge as a subject of protection along with the question of indigenous cultural heritage protection.

The study examines forms of protection afforded to intangible cultural heritage at the international and national level and discusses elements of the UNESCO World Heritage Convention 1972 and the 1989 Recommendation as possible stepping stones for the preparation of a new instrument. The study examines the potential requirements for such an instrument, considers the possible obligations that the latter may place on Member States and provides a series of recommendations with regard to the objectives of a new instrument. In this respect, recent developments in the Organization’s Intangible Cultural Heritage Programme should be taken into consideration.

⁶ 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore, Preamble

⁷ Ibid : (A)

⁸ Ibid: (E)

⁹ Ibid

¹⁰ Ibid : (G)

¹¹ Ibid: (D), (F)

The study will be presented by its author, Dr Janet Blake, Honorary Visiting Research Fellow, University of Glasgow and Consultant to UNESCO.

iv) Identification of values to be safeguarded through UNESCO and elements for a possible terminology and working definition

Against the background of analytical work carried out by the experts in the previous sessions, discussion will focus first of all on the scope of the domain to be considered for the future terminology and a working definition for a future UNESCO normative instrument.

The background material on which the proposals will be based represents many years of work by UNESCO in this field, in all sectors and especially following the development of the 1989 Recommendation. Operational work of other institutions, as well as the experience of WIPO will be considered and alternative perspectives and approaches will be noted. These could include additional elements to those specified in the 1989 Definition or their re-organisation to accommodate new perspectives.

In seeking to outline the form and elements of a working definition compatible with UNESCO's mandatory competence, certain considerations will need to be taken into account such as the conceptual difficulty of evaluating intangible cultural heritage with respect to its universal significance¹¹, while continuing to recognize of the specificities of its manifestations and cultural diversity, and the need to safeguard the different views of intangible cultural heritage.

While identification of the elements for a working definition is essential for progress, it is indispensable to bear in mind that participants in the Round Table should strive for a working definition capable of practical applicability and which is politically acceptable to the majority of Member States.

This session will be introduced by Professor Francesco Francioni, Professor in International Law, University of Sienna, Italy, and Visiting Professor, The University of Oxford.

4. Conclusions and adoption of the report

- The President of the International Round Table will present the conclusions of the International Round Table for adoption by the expert group, and a future action plan in relation to the development of the strategy and programme on intangible cultural heritage will be drawn up.

¹¹ 1989 Recommendation, Preamble, para. 1 'considering that folklore forms part of the universal heritage of humanity

Mc Cann, A. 'The 1989 Recommendation Today: a Brief Analysis', paper presented at the UNESCO/ Smithsonian Institution Conference 'Global Assessment of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore, Washington D.C, 1999: 'to say that 'folklore' is part of the "universal heritage" of humankind is problematic. While the intent of this may be to valorise folklore, it could create the misunderstanding that folklore is within the "public domain" and hence subject to uninhibited exploitation', p. 6