INFORMATION SHEET: CULTURE POLICY

POLICY AREA / POLICY ISSUE

Culture Sector / Culture

ISSUES TO CONSIDER

Most ICH-related policy-making will be focused in the cultural sector, where responsibility for implementing the Convention will also likely reside. In this sector, there may (or may not) be a close articulation between general policies for culture, heritage policies (including policies for tangible and intangible heritage), and policies around language, or other related issues. States may well also have legislation or regulations for cultural industries and tangible heritage management, viz. heritage sites, museums, archives, and/or collections of objects. In a few cases, States will not have cultural policies, or heritage policies and/or legislation, and may prefer to use regulations, institutions or other mechanisms to support ICH safeguarding more directly.

'Culture' in this context may be broadly defined, including the arts, creative industries, heritage (tangible and intangible), archives and libraries, language, sport, and even media. These functions are not always located under a single ministry or government agency, and may be devolved to different administrative levels of government, as discussed above. The ways in which the culture sector is organized varies widely between States. Where a State has a Ministry or Department of Culture, this function is sometimes also combined with education, media, sport, tourism or other areas of responsibility. Such a multi-dimensional structure may make integration of ICH-related issues into broader policies somewhat easier, because they all fall under the same Ministry (but this is not always the case, of course).

There is no recipe or model for including ICH-related provisions within existing or new policies and institutional infrastructure in the culture sector. In developing suggestions and discussing alternatives, careful attention should therefore be focused on understanding how ICH safeguarding in the spirit of the Convention might be aligned with:

- Existing and proposed reasons for promoting culture and safeguarding/conserving heritage;
- The key challenges identified by communities concerned and other stakeholders regarding ICH safeguarding in the State;
- Existing and proposed infrastructural, administrative or institutional arrangements (if any), and what they can do (or intend to do); and
- Existing and proposed policies, regulations and legislation (if any), and what they already cover (or intend to cover).

There has been some discussion within UNESCO about the development of cultural policies, as mentioned in the Guidance Note. The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) has been active in this regard.[1] The 2005 Convention and its Operational Guidelines encourage States Parties to develop policies

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1. The 2005 Convention aims to promote cultural diversity by strengthening the chain of creative endeavour, from production to distribution/dissemination, access and enjoyment of cultural expressions. By January 2015, 134 countries were States Parties to this Convention. See http://www.unesco.org/eri/la/convention.asp?KO=31038&language=E for a list of States Parties.

in the cultural field.[2] There have been a number of regional initiatives, sometimes supported by UNESCO, to assist countries in developing their cultural policies. A 1999 Council of Europe publication identified 21 strategic dilemmas that countries consider in developing cultural policies.[3] The Arterial Network has written a toolkit to assist African countries in drafting their cultural policies, which provides an overview of some of the questions countries may consider in compiling such documents, and some of the interventions that might be made.[4]

It is important to consider how to include provision for ICH safeguarding within more general cultural policies, if at all, and how this will fit alongside, or within, the existing policy and institutional framework. General cultural policies set out information and broad principles regarding the nature, purpose and value of culture in the society, that inform the strategies of a State in the cultural sphere. General cultural policies may mandate institutional structures to realize the broad aims and principles it sets out. Subsidiary legislation may then be drafted to set up institutions, bodies or agencies, and to set out more detailed planning and principles in different fields of culture. Cultural policies do not always specifically mention ICH. Different issues may be addressed in a general cultural policy depending whether or not ICH has already been mentioned in the constitution or other instruments, where policy-making responsibilities for culture are located within a devolved administration, and whether or not a specific ICH policy or related legislation is envisaged as well.

It is relatively easy to see how general principles such as the promotion of cultural identity for social cohesion, recognition of the cultural heritage of communities and strong consultation with communities could be accommodated in broader cultural policies and also function as cornerstones of ICH-related policy. However, there can be tensions between policies for the promotion of cultural industries for their own sake, and a focus on sustainable development through ICH safeguarding. Forsyth illustrates tensions between policies promoting cultural industries, intellectual property protection of TK and ICH safeguarding in the Pacific Islands, for example.[5]

Where ICH is not mentioned at all in the cultural policy, there is a danger that provisions for culture and heritage in budget allocations will not be expanded, or available to support ICH safeguarding activities and infrastructure in the State. One of the barriers to including mention of ICH within a general cultural policy may be that such policies are not always very frequently updated. Where amendment of the cultural policy is not possible, alternative means (such as Ministerial speeches and statements, and specific budget allocations) could ensure that ICH is understood as part of the culture and heritage landscape within the country, and given appropriate attention.

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2. UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Operational Guidelines 2009.
3. http://www.artsmanagement.net/downloads/cultural-strategy-dilemmas.pdf
4. See for example, Adapting the wheel: cultural policies for Africa (Arterial Network, 2010). http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Conv2005_ArterialNetwork_AdaptingtheWheel.pdf
5. See for example Forsyth, M. 2012, 'Lifting the Lid on 'the Community': Who has the Right to Control Access to Traditional Knowledge and Expressions of Culture?' International Journal of Cultural Property, 19, pp.1-31.

WHAT THE CONVENTION AND ITS TEXTS SAY

The Convention

Article 13 (a, b) **:**To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:
(a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes;
(b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory.

Article 15: Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

Operational Directives

OD105 (d, e, f, g): States Parties shall endeavour, by all appropriate means, to keep the public informed about the importance of intangible cultural heritage and the dangers threatening it, as well as about the activities carried out in pursuance of the Convention. To this end, States Parties are encouraged to: (d) promote policies for the public recognition of bearers and practitioners of intangible cultural heritage; (e) promote and support the establishment of community associations, and foster the exchange of information among them; (f) develop policies to recognize the contribution of the manifestations of the intangible cultural heritage present in their territories to the cultural diversity and wealth of the States; (g) support the development and implementation of local policies aiming at promoting awareness of intangible cultural heritage.

Ethical Principles

Ethical Principle 1: Communities, groups and, where applicable, individuals should have the **primary role** in safeguarding their own intangible cultural heritage.

Ethical Principle 2: The **right of communities, groups and, where applicable, individuals** to continue the practices, representations, expressions, knowledge and skills necessary to ensure the viability of the intangible cultural heritage should be recognized and respected.

Ethical Principle 3: **Mutual respect** as well as a respect for and mutual appreciation of intangible cultural heritage, should prevail in interactions between States and between communities, groups and, where applicable, individuals.

Ethical Principle 6: Each community, group or individual should assess the value of its own intangible cultural heritage and this intangible cultural heritage should **not be subject to external judgements of value or worth**.

Ethical Principle 9: Communities, groups, local, national and transnational organizations and individuals should carefully assess the direct and indirect, short-term and long-term, potential and definitive **impact** of any action that may affect the viability of intangible cultural heritage or the communities who practise it.

Ethical Principle 12: The safeguarding of intangible cultural heritage is of **general interest to humanity** and should therefore be undertaken through cooperation among bilateral, sub regional, regional and international parties; nevertheless, communities, groups and, where applicable, individuals should never be alienated from their own intangible cultural heritage.

UNESCO
United Nations : Intangible
Educational, Scientific and : Cultural
Cultural Organization : Heritage

OTHER RELEVANT LEGAL INSTRUMENTS

UNESCO Recommendation concerning the protection and promotion of museums and collections, their diversity and their role in society (2015).[6]

UNESCO Recommendation on the Historic Urban Landscape, including a glossary of definitions (2011).[7]

UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage (2003).[8]

UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001).[9]

UNESCO Recommendation for the Protection of Movable Cultural Property (1978).[10]

UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972).[11]

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).[12]

UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention (The Hague Convention, 1954).[13]

UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials (1950).[14]

EXAMPLES

- Culture policies that mention ICH: In Burkina Faso, a new law related to medium and long term cultural policy was adopted in 2009 which took account of ICH as a driver for development, a resource for diversity and a basis for identity.[15]

- Culture policies that mention ICH: The Draft Cultural Policy of Belize explicitly mentions ICH as part of the cultural heritage of the country.[16]

- Cultural policies that mention ICH: Timor Leste's cultural policy (2009) aims at the stimulation of traditional culture, while recognizing its dynamic nature.[17]

- Institutional frameworks: In Turkey, regional Intangible Cultural Heritage Boards and the Expert Commissions have been established in each of the 81 administrative units of the country to coordinate the safeguarding activities of stakeholders (NGOs, communities, university researchers, national and local government, etc.).[18]

- Institutional frameworks: Senegal has set up Regional Cultural Centres (CCRs) situated in the country's 14 regions that serve as the interface with local communities.

- Institutional frameworks: Regional Directorates for Culture and Heritage in Madagascar are responsible for gathering data for inventorying ICH in cooperation with local communities.[19]

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6. http://portal.unesco.org/en/ev.php-URL_ID=49357&URL_DO=DO_TOPIC&URL_SECTION=201.html
7. http://portal.unesco.org/en/ev.php-URL_ID=48857&URL_DO=DO_TOPIC&URL_SECTION=201.html
8. http://portal.unesco.org/en/ev.php-URL_ID=17718&URL_DO=DO_TOPIC&URL_SECTION=201.html
9. http://portal.unesco.org/en/ev.php-URL_ID=13649&URL_DO=DO_TOPIC&URL_SECTION=-471.html
10. http://portal.unesco.org/en/ev.php-URL_ID=13137&URL_DO=DO_TOPIC&URL_SECTION=201.html
11. See http://whc.unesco.org/en/conventiontext/
12. http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html
13. http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html
14. http://portal.unesco.org/en/ev.php-URL_ID=12074&URL_DO=DO_TOPIC&URL_SECTION=201.html
15. Examination of the reports of States Parties 2014, ITH/14/9.COM/5.a, para 10.
16. Draft Cultural Policy of Belize (2013) http://www.nichbelize.org/belize-resources/national-cultural-policy-working-document.html
17. Timor Leste's cultural policy http://www.unesco.org/culture/natlaws/media/pdf/timorleste/ti_natpolcltentno
18. Examination of the reports of States Parties 2013, ITH/13/8.COM/6.a, para 14-15.
19. Examination of the reports of States Parties 2013, ITH/13/8.COM/6.a, para 14.

RELEVANT CASE STUDIES IN THE CAPACITY-BUILDING MATERIALS

Case study 39: Indonesian batik
        CS39-v1.0: English|French|Spanish

Case study 37: Civil society engagement in the policy-making process: Experience of the
        Cross-Cultural Foundation of Uganda
        CS37-v1.0: **English**|**French**|**Spanish**

Case study 53: Colombia: a far-reaching policy with intersectoral implications
        CS53-v1.0: **English**|**French**|**Spanish**

FURTHER INFORMATION

Adapting the wheel: cultural policies for Africa (Arterial Network, 2010).
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Conv2005_ArterialNetwork_AdaptingtheWheel.pdf

Forsyth, M. 2012, 'Lifting the Lid on 'the Community': Who has the Right to Control Access to Traditional Knowledge and Expressions of Culture?' International Journal of Cultural Property, 19, pp.1-31.

Erika J. Techera, Safeguarding cultural heritage: Law and policy in Fiji, In Journal of Cultural Heritage, Volume 12, Issue 3, 2011, Pages 329-334.

QUESTIONS TO CONSIDER

- Are there culture policies? If so, when were they drafted and when are they likely to be reviewed? In what language(s) are they available?

- Why is culture considered important in the State, according to the culture policies? Are specific forms of culture, or specific communities, prioritized in the policies, and if so why?

- Under whose authority are the culture policies implemented, and what are the mechanisms for doing so? How far, and how effectively, have they been implemented?

- What is the approach taken in the culture policies towards engagement with communities in the State (including recent immigrants, minorities or indigenous groups) and their participation/consultation regarding cultural management, and safeguarding of ICH?

- Are other UNESCO Conventions in the field of culture that have been ratified by the State mentioned in the culture policies? What is the envisaged articulation between the implementation of these Conventions, and/or between the safeguarding of ICH, the promotion of cultural industries and the conservation of tangible heritage?

- Do the culture policies mention ICH, and if so in what contexts? Do they set out ways in which ICH is understood or valued within the State?

- Do the culture policies set up an infrastructure for cultural management (and safeguarding) in the State? If so, where do (or could) ICH safeguarding responsibilities fit into this infrastructure? Is such an infrastructure required, and for what purposes?

UNESCO THESARUS KEYWORDS

culture; national cultures; policy making; government policy; communities; intangible cultural heritage

UNESCO
United Nations Educational, Scientific and Cultural Organization · Intangible Cultural Heritage