



Research Report on Intangible Cultural Heritage (ICH): Basics and History

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Executive Summary

[Intangible Cultural Heritage](#), abbreviated as ICH (*patrimoine culturel immatériel* in French), is still a new framework for many cultural organizations worldwide.¹ This report will provide the *basics* and *history* of ICH, which will provide needed context for LAC as it considers if and how it may want to apply it to its activities.

Fourteen years following the adoption of the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage ([the 2003 Convention](#)), a majority of member states have ratified, approved, or accepted the Convention. Canada, however, has refrained from doing so, along with such countries as Australia, Russia, the UK, and the US. Canada has nevertheless followed the developments related to the 2003 Convention closely and has made great contributions at provincial and NGO levels. In addition, the Department of Canadian Heritage (PCH) has articulated the Government of Canada's direct and active involvement in the safeguarding of ICH, in part through the mandate of Library and Archives Canada (LAC). In fact, almost all of the safeguarding measures proposed under Article 2 of the 2003 Convention constitute part of LAC's undertakings. However, since the concept does not exist in the technical lexicon of the organization, such activities are represented, implicitly, under various titles.

This report reviews the basics and history of ICH, especially in the light of items (b) and (c) of the legislative mandate of LAC.²

1. Introduction

A study of the theory, methodology, and history of ICH supports the worldwide consensus on redefining cultural heritage to include intangible domains.³ Canada adheres to this universal conceptual understanding. The Federal Government has articulated its awareness of ICH and the involvement of its agencies in safeguarding it, at least as early as April 2005⁴:

“The Government of Canada is active in the safeguarding, preservation and promotion of ICH, directly and through its agencies, such as the Canadian

¹ ICH refers to traditions or living expressions that are inherited from ancestors and passed on to descendants. Manifestations of ICH include oral traditions, performing arts, social practices, rituals, festive events, traditional knowledge, and traditional craftsmanship, among others. Communities find their identities in their ICH, and are actively involved in safeguarding it and transmitting it to the new generations. The subject matter is especially of interest to folklorists, anthropologists, linguists, researchers on arts, etc. (Also see sub-Section 4.1 below)

² Its functioning as “a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society” and its role to “facilitate in Canada co-operation among communities involved in the acquisition, preservation and diffusion of knowledge”: Cf. Paras (b) and (c) of the Preamble to [Library and Archives of Canada Act](#))

³ For a preliminary understanding of ICH, see Section 4.1 below provides an *ad hoc* definition of the term and provides reference to the text of the 2003 Convention for its standard technical definition.

⁴ The quotation is part of an e-mail by Artur Wilczynski, Director of International Relations, Policy Division, Department of Canadian Heritage, in response to an inquiry on “the specific reasons why Canadian Heritage had decided not to support the 2003 Convention.” (See the full text of the e-mail in Pocius 2014, pp. 79-81)

Museum of Civilization, Library and Archives Canada, and the proposed Aboriginal Languages and Cultures Centre, in addition to the legal, financial and administrative provisions set out in multiculturalism, official languages and human rights legislation and policies (Pocius, 2014, p. 79).”

However, the Government of Canada’s acknowledgment of cultural heritage in effective policy-making is mainly limited to Tangible Heritage (TH). Fourteen years following the adoption of the *UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage* (the 2003 Convention), Canada has not joined 175 other Member States due to concerns about some terminological and regulatory aspects of the instrument⁵ (see Gauthier 2011 & Pocius 2014). Nevertheless, part of the operational guidelines of the Convention have been implemented nationally across Canada. The ‘good’ safeguarding practices of Quebec and Newfoundland, along with the activities of various centres of expertise have led to the success of the strategy at provincial and NGO levels.

This report endeavours to provide LAC senior management with an introduction to ICH, a review of the history of the 2003 Convention, and a comparative study of the visibility of ICH internationally and in Canada.

2. Context and Scope

A study of Article 2 to the 2003 Convention (see sub-Section 4.1, below) encourages the understanding that a subset of the Canadian past and current archival activities have, in fact, been ICH safeguarding. Such activities include identification, documentation, and preservation of a number of linguistic, folklore, and traditional knowledge elements; these elements are nowadays grouped together as ICH manifestations. However, in the absence of the term and its methodology, such safeguarding has most probably been according to the different understandings of the involved organizations. The 2003 Convention’s newer framework, nevertheless, is rapidly gaining more recognition worldwide due to its well-defined approach and utilities. Among its potentially influential capacities for organizations like LAC is the fact that it distinguishes between *proper* and *improper* safeguarding, a measure that can estimate the appropriateness of the past and current activities. On these same lines, the framework claims that it contains the most effective tools and procedures to identify, document, and safeguard ICH. If proved as appropriate, the claimed capacity will prove as most effective at LAC.

This report constitutes the first phase of a research project on the 2003 Convention. A second report will investigate potential options with regards to introducing ICH into LAC legislation and/or policy and operations. The ultimate expected result is to provide to LAC, as a memory institution and as a part of the greater heritage portfolio, options for potential initiatives to put ICH on its agenda.

⁵ The research report that will follow this *Basics and History Report* will present a detailed description of the Government of Canada’s positions and concerns on the 2003 Convention in its sub-Section 4.1.

3. Methodology

The report will analyze professional/official websites and publications by key Canadian and international stakeholders. Official GC websites, publications, and documents will provide reference information. Other national Canadian and international sources for consultation include:

- UNESCO Culture Sector (CLT) websites and publications (especially the ICH Section);
- Canadian Commission for UNESCO Website and publications;
- Websites and publications of the centres of expertise working with UNESCO;
- Publications on ICH by Canadian and international expert individuals or bodies;
- Websites and publications of the Chair for Research on Canadian Ethnological Heritage at Laval University, the Department of Culture and Communication at the University of Sudbury, the Department of Folklore at Memorial University of Newfoundland, the Canadian Network for ICH, and the three Canadian NGOs accredited by UNESCO: Conseil québécois du patrimoine vivant, the Heritage Foundation of Newfoundland and Labrador, and the Folklore Studies Association of Canada (FSAC);
- Canadian ICH safeguarding projects, e.g., the inventory-making projects in Quebec and Newfoundland and Labrador, the internal and international awareness-raising and capacity-building initiatives, the Canadian networking activities, etc.; and
- Advice by well-known Canadian scholars, experts, and stakeholders.

4. Intangible Cultural Heritage: Basics and History

Nowadays, the term ‘Intangible Cultural Heritage’ is increasingly being used by cultural organizations and experts, as well as a growing number of ICH bearers and practitioners⁶. Canadian stakeholders are no exception. The network of ICH experts in the country is growing and the number of involved institutions and communities is increasing. Interested stakeholders of Canada continue to follow the awareness-raising, capacity-building, and implementation activities in the field of ICH worldwide.

4.1. Introduction to ICH

[Article 2](#) of the 2003 Convention presents a comprehensive definition of the term Intangible Cultural Heritage, categorizes the domains or manifestations of ICH, and describes its safeguarding.

According to UNESCO, ICH manifests in the following [domains and elements](#):

⁶ Due to its nature as a collective body of knowledge transmitted constantly among generations, ICH can not be readily described as a cultural ‘property’, ‘asset’, or ‘possession’; experts have substituted the terms ‘bearer’ and ‘practitioner’ to refer to the communities, groups, or individuals involved with ICH elements. On these lines, the traditional knowledge of maple syrup processing constitutes an ICH element of a large population of Canadians. The Canadians involved with this knowledge are referred to as its bearers. As another example, the indigenous rituals are believed to be borne and practised by members of these communities.

- **Domain 1 (Oral Traditions and Expressions):** Proverbs, riddles, tales, legends, myths, epic songs and poems, charms, prayers, chants, songs, dramatic performances, etc.;
- **Domain 2 (Performing Arts):** Music, dance, theatre, pantomime, sung verse, etc.;
- **Domain 3 (Social Practices, Rituals, and Festive Events):** Initiation rites, burial ceremonies, carnivals, events to mark the new year/beginning of spring/end of harvest, greeting ceremonies, practices of giving and receiving gifts, worship rites, rites of passage/birth/wedding, funeral rituals, oaths of allegiance, traditional legal systems, traditional games, kinship ceremonies, settlement patterns, culinary traditions, seasonal ceremonies, practices specific to men or women, hunting/fishing/gathering practices, etc.;
- **Domain 4 (Knowledge and Practices Concerning Nature and the Universe):** Traditional ecological wisdom, indigenous knowledge, knowledge about the local fauna and flora, traditional healing systems, rituals, beliefs, initiatory rites, cosmologies, shamanism, possession rites, social organizations, festivals, languages, visual arts, etc.;
- **Domain 5 (Traditional craftsmanship):** Tools, clothing, jewelry, costumes and props for festivals and performing arts, storage containers, objects used for storage, transport, or shelter, decorative art, ritual objects, musical instruments, household utensils, toys, etc.

For the purposes of this report, an *ad hoc* definition of ICH, extracted from the long and technical *Article 2* and in view of the exemplifications above, presents it as *a body of cultural awareness that provides peoples with a sense of identity and encourages them to attend particular cultural spaces, use special objects, and reveal unique behavior. The bearers and practitioners safeguard this ICH and transmit it, mainly orally, from one generation to the next. ICH is their living heritage and exists in a state of constant change.*

According to *Article 2*, safeguarding ICH is completely different from traditional methods of protecting, preserving, or conserving [tangible heritage \(TH\)](#) that comprise prohibitive directives to control interventions. ICH safeguarding is participatory in nature. Here, bearers and practitioners are invited to get involved in awareness-raising, visibility-promotion, capacity-building, identification, documentation, inventory-making, research, archiving, and revitalization activities. They are also required to provide advice on the methods of respecting community rights and the customary practices governing access to their ICH.

In 2003, ICH and its safeguarding gained visibility within cultural sectors worldwide, following the adoption of the ICH Convention. The instrument came into force on 20 April 2006 and its implementation started with numerous programmes. Presently, ICH functions as a well-established acronym in the technical terminology of the [UNESCO Culture Sector](#).

The framework includes features that may give rise to specific or unique challenges when applied in the context of drafting policies and strategies in Canadian governmental agencies like LAC. Such features include open definitions, unsettled overlaps, different interpretations, exceptional generality, disputed controlling mechanisms, and undecided hierarchies.⁷

⁷ These points have been addressed in more detail in Appendix B to this report.

4.2. History of ICH

The [32nd General Conference of UNESCO](#) and the adoption of the 2003 Convention mark a turning point in the history of the organization. The Convention was the first large legal and programmatic framework to promote cultural diversity. It was, however, the outcome of years of international research on how to promote new meanings of culture on the UNESCO agenda.

The coining of the term Intangible (Cultural) Heritage dates back two decades, at least. In 1982, the World Conference on Cultural Policies, Mexico City, also known as [Mondiacult](#), concluded its work with a promising perspective for the Culture Sector of UNESCO. In particular, the declaration provided a redefinition of culture where the term *Intangible Heritage* was employed to denote a neglected domain of culture, at least at the level of the international legal instruments (Mondiacult, 1982, p. 3).

After less than fourteen years, the relatively young Convention enjoys the membership of 175 states, as well as the active participation of a number of NGOs, centres of expertise, communities, and individuals. The number of national and international safeguarding activities is continually increasing and strategic policies, in particular, continue to be implemented on the subject. Canada is among the countries that have not ratified the Convention, despite the country's active participation in two other closely related UNESCO frameworks: *the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage* ([the World Heritage Convention](#)), and *the 2005 Convention on the Preservation and Promotion of the Diversity of Cultural Expressions* ([the Cultural Diversity Convention](#)).

Generally, the 1946-2006 period is known as the early history of the 2003 Convention. During that period, a number of developments in the Culture Sector affected the drafting and adoption of the Convention. Ratifying conventions, declarations, and other policy frameworks, organizing expert meetings, working groups, and workshops, and finalizing ground-making projects are worth mentioning in this regard. While a detailed description is out of scope of the present report, Appendix C outlines the major developments. The Bibliography provides information on access to the original texts.

4.3. The 1972, 2003, and 2005 Conventions: A Comparative Study of Three Inter-related UNESCO Instruments

New legal frameworks of the [UNESCO Culture Sector](#) generally include reactions to the neglected or postponed aspects of older documents. In contrast, the interrelations of the 2003 Convention, [the 1972 Convention](#) (or the [World Heritage Convention](#)), and [the 2005 Convention](#) (or the [Cultural Diversity Convention](#)) have been relatively well studied.

Enjoying the membership of 193 Member Parties, the 1972 Convention is the universal legislative instrument on cultural heritage. The Convention is also very popular among governmental authorities all over the world. High-ranking governmental authorities usually head the expert

delegations to [the World Heritage General Assembly or Committee meetings](#). This popularity has shaped the world view of cultural heritage as encompassing, so called ‘immovable tangible heritage’ since the Convention only considers archaeological sites, historical monuments, cultural landscapes, or natural features of ‘Outstanding Universal Value’ (OUV) as worthy of protection and inscription on the [UNESCO World Heritage List](#). Evidently, competition constitutes a component of the spirit of the Convention, with the concepts of authenticity and integrity functioning as determining principles, and a prevailing importance given to declarations by individual states of possession of immovable tangible heritage as cultural property. One of the first functions of the 2003 Convention has therefore been to introduce the idea of living ICH as the neglected manifestation of cultural heritage, with its specificities that do not fit in the World Heritage concept and methodology templates. In fact, the overall World Heritage protection methodology, the terminology of the 1972 Convention that includes ‘authenticity’, ‘integrity’, ‘OUV’, etc., and the spirit of competition that the framework conveys and encourages the use of the phrases ‘cultural property’ or ‘cultural asset’ for a tangible heritage, all have been found as inappropriate and unacceptable for safeguarding ICH.⁸

Nevertheless, the 1972 Convention paved the way for the development of the 2003 Convention principles. It established the term ‘heritage of mankind’, promoted a collection of revisable operational guidelines as the main working tool, strengthened heritage conservation policies, and raised awareness on the role of these in attaining the ‘cultural dimension of development’. One illuminating example is the list of the ten [Criteria for Selection](#) and inscription of a property with OUV. Some of these criteria, e.g., Criterion (vi), prove the drafters’ awareness of ICH and its role in determining OUV. Scholars have mentioned the inter-relation of the two frameworks and the need for making effective, inclusive policies that respect a combination of the two. Illustrations from Canada and other countries accompany such research (see, for example, Kaufman, 2013).

The [2005 Convention](#) is the other closely related UNESCO instrument on culture that articulates interest in the production of cultural expressions and their delivery through cultural activities, goods, services, and industries. The instrument functions as a complement to the 2003 Convention in that the latter neither addresses cultural production and delivery nor establishes collective IP rights. The 2003 Convention is primarily interested in ensuring ICH viability and uninterrupted transmission of knowledge. However, UNESCO is also concerned with the potential role of cultural heritage and cultural industries in promoting sustainable development and, consequently, developing policies on both is an item on its agenda.⁹

The challenge posed by the issue of defining collective rights of ICH bearers and practitioners had prevented the inclusion of ICH in the scope of the 1972 Convention. One of the first efforts to draft a law on the protection of IP rights applicable to ICH domains was at a meeting of governmental experts in the early 1970s in Tunis, assisted by UNESCO and WIPO. The event was significant in

⁸ See [Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage](#), 2016 Ed.

⁹ See [Basic Texts of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#), 2015 Ed. pp. 7 & 11.

that it encouraged further studies on the concepts of cultural heritage, cultural identity, and cultural authenticity as factors shaping legal instruments on intellectual property.¹⁰ Finally, the 2005 Convention and its Operational Guidelines proposed solutions: In its Preamble, the Convention mentions, “recognizing the importance of intellectual property rights in sustaining those involved in cultural creativity” as an encouraging factor.^{11 12}

4.4. A Comparative Review of the Recognition of ICH Internationally and in Canada

4.4.1. ICH at the International Level

4.4.1.1. Actors

The main ICH actors around the world include (also see Actors on [ICH Section Homepage](#)):

Member States

The 2003 Convention is the second universal framework of UNESCO, made up of 175 [Member States](#). Safeguarding activities take place at the country, sub-regional, regional, and international levels and are mostly guided by the UNESCO ICH Section. The [General Assembly of the States Parties to the Convention](#) is the sovereign body that meets in ordinary sessions every two years. The Assembly decides on strategic approaches to the implementation of the Convention and elects the members of the [Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage](#). The Committee meets annually to promote the objectives of the Convention, provide guidance on good practices, make recommendations on safeguarding measures, examine inscription requests and proposals on programs and projects, and provide international assistance.

The Secretariat

Located at the UNESCO Headquarters, Paris, the Secretariat is a part of the ICH Section and is required to communicate with all Member States and non-Parties to the 2003 Convention.

NGOs, Centres of Expertise, and Research Institutes

The States Parties are encouraged to promote involvement of communities, [NGOs, centres of expertise, research institutes](#), and individual experts in ICH safeguarding at the national level. ICH bearers and practitioners, individual experts, university departments, research institutes, and NGOs continue to collaborate with countries in safeguarding programs. Presently, 164 accredited NGOs and a number of experts provide advisory services on ICH. Every year they work with the

¹⁰ See [Basic Texts of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#), 2015 Ed. pp. 7 & 11.

¹¹ See [Basic Texts of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#), 2015 Edition, p. 4.

¹² Smeets 2017 is perhaps the most recent study of the inter-relation of the two conventions in IP Rights domain. The comparative analysis of the two covers a study of their histories, purposes, beneficiaries and organs, obligations, tackling IP issues, as well as successes and failures in encouraging international co-operation.

Evaluation Body responsible for examining the nomination files submitted for inscriptions. There have been five NGO Forums on ICH during the past years. The [UNESCO Global Network of Facilitators](#) on ICH gathers 102 facilitators and trainers to adapt the standardized tools and training materials to local contexts and train people in workshops on needs assessment, technical assistance, policy advice, etc.

UNESCO Category 2 Centres on ICH

Hosted and funded by Member States, [Category 2 Centres \(C2Cs\) under the auspices of UNESCO](#) are involved in global, regional, sub-regional, and inter-regional safeguarding activities. Each Centre is established with a theme (e.g., research, information or networking, training, etc.) and has to fulfil a set of undertakings. Presently, eight regional C2Cs on ICH are active in Algeria, Brazil, Bulgaria, China, Iran, Japan, Peru, and Republic of Korea. These C2Cs are required to follow certain shared objectives on their geographical domains, as well. These include promoting the Convention and its implementation, doing capacity-building, encouraging community involvement, and fostering regional and international co-operation. The media and museums join C2Cs as [Partners](#) of the UNESCO ICH Section.

Donors

Donations help developing ICH safeguarding programmes quantitatively and qualitatively. Such donations help to strengthen capacities, raise awareness, and assist the organs of the Convention in decision-making on inscriptions, good safeguarding practices, and financial assistance. [Donors](#) support the ICH Section in three ways: Intangible Cultural Heritage Fund, Loaned Personnel, and Funds-in-Trust. (See also the next section).

4.4.1.2. Programmes

The most prominent international programmes on ICH are the following (see links and the items under UNESCO in Bibliography for more detail.).

Capacity-Building on ICH Safeguarding

Teaching the methods of ICH safeguarding is an important UNESCO programme, and is part of UNESCO's Global Capacity-building Strategy. The strategy is a long-term collaboration with countries to create needed institutional and professional environments. The priorities include "redesign of institutional infrastructures, revision of cultural and other policies and legislation, development of inventory methods, development of effective safeguarding measures, and participation in international co-operation mechanisms". Appendix D of this report summarizes the magnitude of the past activities of the ICH Section under this topic. Detailed information is available on [the Capacity-building page](#) of the ICH Section. In this same relation, UNESCO has uploaded [training material](#) for 55 workshop types for use and adaptation by the members of the [Global Network of Facilitators on ICH](#). More than 60 countries have benefitted from comprehensive, multi-year capacity-building projects designed and implemented by UNESCO based on needs assessments and through mobilizing resources.

Projects and Good Safeguarding Practices

As of the year 2002, 139 [safeguarding projects](#) had been completed for 105 countries, with a total cost of \$22,649,475. In addition, since 2009 more than 15 successful safeguarding experiences have been included on [UNESCO Register of Good Safeguarding Practices](#). UNESCO encourages the Member States to add inscriptions to the Register.

Granting International Assistance

Out of the ICH Fund the Intergovernmental Committee grants [international assistance](#) to countries for the safeguarding of elements on the Urgent Safeguarding List (see International Inscriptions on ICH Lists below), inventory-making, national and (sub-)regional safeguarding projects, capacity-building, preparatory activities, etc. All Member States may apply for such assistance.

ICH Fund, Loaned Personnel, Funds-In-Trust

The [ICH Fund](#) assists Parties with their safeguarding needs. Contributions to the Fund cover an obligatory annual share for each Party (1% of its contribution to the regular budget of UNESCO), plus voluntary aids by States, public or private organizations, individuals, or other Donors. Thirteen States and one private body (Swiss-Japanese Chamber of Commerce) have had voluntary contributions. Lending qualified personnel to the Secretariat of the Convention, titled Loaned Personnel, is another type of donation for which three countries have contributed to date. Finally, financial contributions deposited for specific projects, known as Funds-in-Trust, define a third type of donation. To date, 12 States or international organizations have helped through donations to this section.

International Inscriptions on ICH Lists

Inscriptions on [UNESCO ICH Lists](#) are encouraged to increase the visibility of ICH and promote rapprochement through involving communities. Every year, the Intergovernmental Committee declares new inscriptions on the Representative List of the Intangible Cultural Heritage of Humanity (RL), List of the Intangible Cultural Heritage in Need of Urgent Safeguarding (USL), and the Register of Good Safeguarding Practices (GPR). Appendix E of the present report contains a summary of the inscription records of countries, followed by comments. Detailed information on UNESCO ICH lists, register, inscription guidelines, inscription activities, and the involved actors are available at the [Website of the ICH Section](#), especially under the tab '[Lists](#)'.

Other Activities

Numerous publications, audiovisual productions, virtual media creations, exhibitions, competitions, festivals, and gatherings include the other activities designed to raise awareness and build capacity on ICH. The [ICH Section Official Website](#) functions as a main source. It shares ICH Toolkits, the Basic Texts, publications, inscriptions on UNESCO Lists and Register, ICH news, audio-visual material, and forms and guidelines for nominations, periodic reports, requests for assistance, etc., to coordinate safeguarding activities.

In October 2014, the first output of *ICH-related Research: A Working Bibliography*, a joint project initiated in 2012 by Harriet Deacon and Chiara Bortolotto and augmented by scholars from different parts of the world was released. The bibliography included 939 titles on the implementation of the 2003 Convention and the instruments related to it, as well as examples of ICH safeguarding at local, national, and international levels. Deacon's work points to the worldwide popularity of ICH, a rapid increase in published titles, and the diversity of issues tackled. Deacon lists ten titles by [Laurier Turgeon](#), the internationally renowned Canadian scholar at Laval University. Turgeon's works exemplify the role of the Canadian academia in promoting the visibility of the ICH. (See Deacon, et al, 2014)

Chronology of International Events

Appendix F to this Report presents a chronologically organized list of the types and frequencies of the major international events promoted by the ICH Section. More information is available at [Meetings on ICH \(co-\)organized by UNESCO](#).

4.4.2. ICH in Canada: Actors and Programmes

Canada has not joined the 2003 Convention due to concerns about the vagueness of the definition of ICH, the obligations that the instrument creates, and the rushed drafting and adoption of the instrument.¹³ This observation does not mean that Canadian governmental and non-governmental organizations, centres of expertise, research institutes, individual experts, or local communities have been unaware of ICH and its safeguarding. PCH and the Canada Council for the Arts continue to provide help for ICH bearers and practitioners, foster research in the field, and support cultural events. Such activities all contribute to proper ICH safeguarding.

For the purposes of the present introductory report, a selection of major Canadian contributions have been reviewed below. (Details are at the links and under *Canada* in the Bibliography.)

4.4.2.1. In Legislation and Strategy

Some Canadian provincial legislative or governing bodies have included ICH in their legal instruments or strategic plans. The three most prominent contributions are *the [Quebec Sustainable Development Act](#)* (2006), *[Quebec Cultural Heritage Act](#)* (2011), and the [Provincial Strategic Culture Plan of the Government of Newfoundland and Labrador](#).

Quebec Sustainable Development Act and Quebec Cultural Heritage Act

Paragraph (k) of Article 6 to the Quebec Sustainable Development Act is one of the first official texts in Canada reminiscent of the text and spirit of the 2003 Convention:

- (k) “‘Protection of cultural heritage’: The cultural heritage, made up of property, sites, landscapes, traditions and knowledge, reflects the identity of a society. It

¹³ Government officials have been critical of the whole framework and its obligations in their arguments in support of the Federal Government's position. In the research report that follows the present Report, these comments have been listed in detail. (Also, see Gauthier 2011 and Pocius 2014)

passes on the values of a society from generation to generation, and the preservation of this heritage fosters the sustainability of development. Cultural heritage components must be identified, protected, and enhanced, taking their intrinsic rarity and fragility into account.” (pp. 3 & 4)

This Act and the 2003 Convention inspired the inclusion of clauses on ICH in the *Cultural Heritage Act* of Quebec adopted five years later. Compared to its predecessor, the 1972 *Cultural Property Act*, the new instrument includes both Tangible and the Intangible heritage. Based on the Cultural Heritage Act, the ICH of Quebec can be promoted and developed either with “designation” of elements by Quebec’s Ministry of Culture as shared national heritage of Quebecers, or through “identification” of local elements by municipalities and native band councils. The Act requires the inscription of such examples of ICH on the Quebec Cultural Heritage Register and empowers municipalities to hold local heritage council meetings to examine inscriptions. The Minister of Culture supervises the updating of the ICH inventories, and provides support for the safeguarding activities.¹⁴

Government of Newfoundland and Labrador Provincial Strategic Culture Plan

ICH preservation is one of the key initiatives followed by the Government of Newfoundland and Labrador in its Provincial Strategic Culture Plan. The project follows a *non-governmental* strategy drafted, adopted, and shared by stakeholders, groups, and agencies involved with ICH. The strategy respects the guidelines and principles of ICH and consists of a vision, a mission and guiding principles, and a series of practical goals and stages that aim to safeguard the ICH of the province. Planned safeguarding activities include awareness-raising, capacity-building, documentation, information sharing especially on *best practices*, and promotion of the transmission methods, entrepreneurship, and preservation activities.¹⁵

4.4.2.2. In Safeguarding

In addition to the ‘demand-driven’ supportive activities of the Federal Government, some provincial initiatives safeguard Canadian ICH. Some major examples include:

ICH Safeguarding in Newfoundland and Labrador

The [Heritage Foundation of Newfoundland and Labrador](#) is the main centre of expertise in the province involved in ICH safeguarding through awareness-raising, documentation, fostering involvement, providing expert advice, revitalizing endangered ICH, etc. The [ICH Inventory of Newfoundland and Labrador](#) is one of the major projects of the [Foundation](#). The project foresees the listing of the ICH elements of communities, as well as classifying them as ‘ongoing’ or ‘threatened’. The pilot stage of the project was the preparation of the ICH inventory of The Battery, St. John’s Harbour that was jointly accomplished with the help of the Queen Elizabeth II Library

¹⁴ See *Bill n 82 Quebec Cultural Heritage Act*, 2011.

¹⁵ See *Intangible Cultural Heritage Strategy of Newfoundland and Labrador*, 2006, and *Intangible Cultural Heritage Strategy of Newfoundland and Labrador, Updated*, 2010.

at Memorial University and the ICH Working Group of the Foundation, and through local community involvement. The digitized data is retrievable from the Digital Archives Initiative at the Library. The data gathering was done in collaboration with Dr. Gerald Pocius' Public Sector Folklore and The Rooms Provincial Museum. A backup of the original field documentation is in the Memorial University Folklore and Language Archive (MUNFLA). The archive is open to local institutions. (See also Memorial University, Gauthier 2011, and Pocius 2014).

ICH Safeguarding in Quebec

Quebec has been involved in ICH safeguarding since well before the adoption of the UNESCO Convention. The province provides part of the needed budget indirectly and from other programmes. One example is the support provided by the Heritage and Museums Department of the Cultural Ministry for five national heritage organizations. The identification, documentation, and classification of the ICH of Quebec is the theme of another long-term initiative. The most prominent ICH safeguarding project of Quebec is IREPI, the online *Inventory of Ethnological Resources of Intangible Heritage*, updated by the [Canadian Research Chair for Ethnological Heritage at Université Laval](#). IREPI is consulted by others studying best practices for ICH inventorying.

The archiving activities of Quebec's organizations and archival bodies is another related safeguarding measure. The [Répertoire](#), the online database of the province, hosts the inventories of IREPI, municipalities, and the other partners of the Ministry of Culture. In 2009, the successful [Inventory of Intangible Religious Heritage \(IPIR\)](#) joined IREPI to preserve the memory of certain practices for posterity. Finally, among the documentation projects on traditional knowledge of Indigenous peoples, the inventory-making project on botanical specimens in Innu nation of Mashteuiatsh is worth mentioning. Titled [Inventaire des savoirs et connaissances des Pekuakamiulnuatsh sur les plantes médicinales](#), the inventory registers Indigenous ICH of Quebec. (See Gauthier 2011 for more information)

4.4.2.3. In Networking

Canadian stakeholders have been involved in networking on ICH at provincial, national, and international levels. Such networking has resulted in exchanges of experience and providing expert advisory assistance to national and international organizations. The list of UNESCO accredited NGOs on ICH includes three Canadian non-governmental organizations, as well as six others based in other countries that collaborate with Canadian institutes and organizations:

- Centre des musiques et danses traditionnelles et populaires de Guadeloupe-CMDT (France, accredited 2010)
- Conseil québécois du patrimoine vivant (**Canada**, accredited 2012)
- CRIA-Centro em Rede Investigação em Antropologia (Portugal, accredited 2012)
- Heritage Foundation of Newfoundland and Labrador-HFNL (**Canada**, accredited 2012)
- Inter-City Intangible Cultural Co-operation Network-ICCN (Republic of Korea, accredited 2012)

- International Council for Traditional Music-ICTM/Conseil international de la musique traditionnelle-CIMT (Slovenia, accredited 2010)
- L'Association canadienne d'ethnologie et de folklore-ACEF/The Folklore Studies Association of Canada-FSAC (**Canada**, accredited 2016).¹⁶

At the national level, similar networking activities have resulted in the creation of the *Canadian Network for Intangible Cultural Heritage*. One of the joint activities of the network has been the 2016 International Conference on ICH that was organized with the help of [Folklore Studies Association of Canada \(FSAC\)](#), the [Canadian Society for Traditional Music](#), the [Canadian Research Chair for Ethnological Heritage at Université Laval](#), and the [Canadian Commission for UNESCO](#). The conference brought 170 speakers and 32 NGOs from 17 countries to Quebec to celebrate the 10th anniversary of the Convention's entry into force and hold expert discussions in the presence of the ICH Section Chief. (See FSAC/ACEF).

5. Conclusion

To improve on its ongoing work as a source and custodian of enduring knowledge and a place to facilitate inter-organizational co-operation, LAC could benefit from taking guidance from aspects of the 2003 Convention and its Operational Guidelines. The universality of the Convention, the acceptability of its spirit to PCH authorities, and the considerable growth of provincial and non-governmental contributions justify research by LAC on the adaptability and possible implementation of selected parts of the framework to a GC setting, notwithstanding the fact that ratifying the Convention is still being studied and considered by the Government. The next report on ICH will present an analysis of these various options in the Canadian setting.

¹⁶ See [Accredited NGOs page](#) at UNESCO ICH Section Website.

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Appendix B – Features of the 2003 Convention

Features of the 2003 Convention Framework, and potential Implications for Policy-making and Drafting of Strategies at LAC

The Intangible Cultural Heritage, as defined under Article 2 of the 2003 Convention, as well as the domains and the safeguarding methods proposed for it, leave several disputed subjects that need elaboration. The present appendix outlines some of the features of the framework and presents further elaborations on implications they may have in drafting policies and strategy frameworks for LAC or other Government of Canada institutions.

i. Features

For the purpose of the present report, the following major features of the 2003 Convention framework are worth mentioning:

- (a) ICH domains are open to augmentation;
- (b) There are overlaps that make the classification of an element in a domain difficult;
- (c) Countries' different interpretations of ICH are valid, but only at the national level;
- (d) The only controlling factor required of Member States is respect for three considerations: existing international human rights instruments, requirements of mutual respect among communities, groups and individuals, and sustainable development;
- (e) The preservation of TH requires adherence to prohibitive directives that control interventions by unauthorized sides; in contrast, ICH safeguarding depends on success in promoting it among local community members to the extent that active involvement of all of the community members –sometimes a whole nation- is guaranteed;
- (f) In line with (e) above, and contrary to the TH domain, so called *competition* is strongly avoided in ICH safeguarding (neither the inscription of an ICH element nor any other safeguarding initiative will bring exclusive possession of that element as a cultural property for a community; several communities can practice one single ICH element with an equal right to inventory it as their share of the ICH of humanity);
- (g) The openness expressed above prepares the ground for interpretations and safeguarding activities that some involved sides believe will lead the Convention away from its spirit; and
- (h) Following (g), experts have questioned the effectiveness of UNESCO directives by observing that the hierarchy of ICH safeguarding advised by UNESCO (Ratification of the Convention < Implementation of the Convention < Community-based Inventory-making < Inscription) is not followed by Member States, in that they adhere to the least effective measure and are involved in yearly inscriptions of their ICH on UNESCO lists.

ii. Implications

The above list of elaborations encourages considering the following as some implications regarding the undertakings of LAC and the position of the Government of Canada.

(Paragraphs a-d)

While remaining free to decide on the method of its participation at the international level, the Government of Canada can enjoy the capacities of the ICH framework within its borders. This means that the Canadian cultural agencies can utilize the theory and methodology of ICH as a basis for defining Canadian ICH and safeguarding it. Within LAC, past and current identification, acquisition, access and preservation methods can be re-investigated and new grounds for documenting Canadian culture can be prepared.

(Paragraphs e & f)

The safeguarding of the Canadian ICH could serve as a foundation for the Government of Canada, and specifically LAC, to promote public awareness, strengthen capacities especially among bearers and practitioners on methods of ICH safeguarding, and encourage local community involvement. The framework's avoidance of competition is a prominent feature that can foster peace and rapprochement. At the national level, the mentioned aspects of the spirit of the Convention could guide LAC in the direction of the principles of reconciliation, since they foster re-establishment of weakened links with ICH among younger generations. Further, this approach supports the inclusion and participation of Indigenous Canadians in stewardship and transmission of ICH.

(Paragraphs g & h)

The successful and unsuccessful experiences of other countries and those of the international organizations provide LAC and other Canadian agencies with valuable information on the best methods of ICH promotion and safeguarding. Care has to be taken not to encourage competitions, misinterpretations, and invalid safeguarding. LAC could devise its own procedures on public awareness-raising and capacity-building to the actual implementation of the 2003 Convention in its identification, acquisition, and preservation (here *safeguarding*) activities. At the Government of Canada level, successful practices such as establishing an ICH Section in the Canadian Culture Sector, creation of ICH parks and museums, and identification and support of [Living Human Treasures](#)¹⁷ could be examined, among other initiatives.

¹⁷ A Living Human Treasure can roughly be defined as a person with a high level of knowledge and skills needed to perform or re-create an ICH element. Generally, Living Human Treasures are among the few remaining older members of communities who bear such knowledge. An elder in an indigenous community in Canada who is known for her mastery in traditional herbal medicine is an example.

(Paragraph i)

Almost all of the identification, acquisition, documentation, and preservation activities at LAC relative to oral heritage and traditional knowledge may be reviewed in light of ICH safeguarding method. In addition, the ICH framework could give a new meaning to LAC's past and current awareness-raising and promotional initiatives on living Canadian heritage. Finally, there remains the question of unifying the past, current, and future archives of Canadian oral expressions, performing arts, rituals, customs, and festive events, traditional knowledge, traditional craftsmanship, etc., under an umbrella term such as *Canadian ICH*.

Appendix C - Earlier History of the 2003 Convention (Outlined)

The following developments constitute the highlights in the earlier history of the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (the parentheses at the end of each paragraph provide guides to items in the Bibliography of the present Research Report):

- The 1966 *Declaration on the Principles of International Cultural Cooperation* and its respect for cultural diversity: “Each culture has a dignity and value which must be respected and preserved; every people has the right and duty to develop its culture; all cultures form part of the common heritage belonging to all mankind” (UNESCO);
- The 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage*, and its two-way effects on ICH: its role in deviating attention toward TH versus its proposing the term “heritage of mankind” and criteria of OUV determination for TH that would study it with reference to ICH (UNESCO);
- The 1982 *World Conference on Cultural Policies (Mondiacult)* with its endeavour to re-define culture, coin the term ‘Intangible (Cultural) Heritage’, and ask UNESCO to develop a programme to safeguard and study ICH (Mondiacult, 1982);
- The 1984 *Rio de Janeiro Meeting on the preservation and development of handicrafts in modern world*, with its draft collective IP rights for local communities (UNESCO);
- The 1989 General Conference’s *Recommendation on the Safeguarding of Traditional Culture and Folklore*, with its instrument on ICH and indigenous cultures (UNESCO);
- “*Our Creative Diversity*”: the *Report of the 1996 World Commission on Culture and Development*, organized by DG to UNESCO and UN Secretary-General, that resulted in a call for recognition of all forms of cultural assets worldwide, including artefacts, dance, or oral traditions, and, having studied ‘authentication’, ‘expropriation’, ‘compensation’, and ‘commodification’, etc., concluded that IP rights should be substituted with concepts to extracted from working traditional rules to be applicable to living heritage (UNESCO);
- The 1997 *Proclamation on Masterpieces of the Oral and Intangible Heritage of Humanity*, with its awareness-raising contribution to ICH that resulted in the international inscriptions of 90 ICH elements in 2001, 2003, and 2005 (UNESCO);
- The conference entitled “A Global Assessment of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore: Local Empowerment and International Cooperation”, Washington (late 1990’s), that decided the consistent use of the term ‘Intangible Cultural Heritage’ (ICH) on top of a legally binding instrument, and accompanied by a methodology capable of covering all ICH (Seitel, 2001);
- The UNESCO 2001 Universal Declaration on Cultural Diversity and its Action Plan that invited countries to collaborate on drafting a convention on ICH (UNESCO);
- The 2002 Roundtable on Intangible Heritage and Cultural Diversity, Istanbul, that published a Declaration on the need for the new convention (UNESCO);

- The 2002 Intergovernmental Meeting of Experts on the Preliminary Draft Convention, Paris, with decisions on the definition and scope of ICH and the method of developing a *representative* register for its manifestations in the world (UNESCO);
- The final adoption by the General Conference of UNESCO of the ICH Convention on 17 October 2003, with 120 votes in favour, 8 abstentions, and no votes against (UNESCO);
- Entry into force of the 2003 Convention on 20 April 2006 (UNESCO).

Appendix D - Summary Information on Capacity-building Activities by UNESCO ICH Section (2006-2017)

Table 1: Capacity-building (CB) activities (2006-2017)

Period	CB	Period	CB	Period	CB	Period	CB
2006-2010	7	2012	66	2014	34	2016	33
2011	30	2013	51	2015	38	2017	7

According to Table 1, the capacity-building activities by the UNESCO ICH Section were negligible up to the 5th year following the entry into force of the 2003 Convention, i.e. 2011. The significant increase in the number of such activities in the period of 2011-2017 points to the placement of the initiative on organizing training workshops and other capacity-building activities as one of the top priorities of the ICH Section.

The low initial pace was partly due to the Section's getting prepared for the program, through facilitator training workshops, editing of training packages, and doing the follow up on drafting and amending the needed policies.

Appendix E - Summary of the International Inscription Records by Member States to 2003 Convention (2008-2016)

Table 2: International Inscriptions on UNESCO Lists and Register for ICH

Year	Inscriptions on Lists			Total	%	Year	Inscriptions on Lists			Total	%
	RL	USL	GPR				RL	USL	GPR		
2008	90	0	0	90	21	2013	25	4	1	30	7
2009	72	12	3	87	20.3	2014	34	3	1	38	8.9
2010	44	4	0	48	11.2	2015	23	5	0	28	6.5
2011	18	11	5	34	7.9	2016	33	4	5	42	9.8
2012	26	4	2	32	7.5						

Inscriptions on the UNESCO Lists and Register for ICH started in 2008 with the transfer of 90 ICH elements already registered in the [Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity](#) (in 2001, 2003, and 2005) onto the [Representative List of the Intangible Cultural Heritage of Humanity](#). As of the year 2009 annual meetings of the Intergovernmental Committee have consistently investigated nominations for possible international inscriptions as a fixed agenda item.

The point worth of mentioning in this regard is that international inscriptions are among the last items on the list of priorities that the 2003 Convention Operational Guidelines promote. The idea behind the strategy has been promotion of the visibility of the Convention and encouraging international cooperation. The initiative has proved itself as the most attractive by the governments. The observed negative outcomes include:

- Lack of emphasis on community involvement in the nomination and inscription processes;
- Sole involvement of governmental institutions in the nomination and inscription processes;
- A considerable decline in the attention toward more important safeguarding measures;
- Negligence of the proposed safeguarding measures included on the action plan and considering international inscription as the optimal goal;

- Lack of balance in considering distributing governmental resources among the capacities of the two Lists and the Register¹⁸;
 - Lack of sufficient attention to shared international inscriptions;
 - Increased competition among Member States;
 - Etc.
- And, finally,
- Deviation of the Convention from its spirit that promotes peace, respect, and rapprochement.

¹⁸ A glance at Table 2 shows that the attention devoted to RL has been far greater than USL and especially GPR. Interestingly, the emphasis has always been to the contrary. One reason for such inclination, at least between RL and USL, has been the less vigorous obligations for the Parties under RL to guarantee the viability of the inscribed element.

Appendix F - Summary Information on International Events on ICH (co-)Organized by UNESCO (1970-2017)

The foundational international events on ICH occurred in the 1970-2005 period. Following the coming into force of the Convention in 2006, the activities were naturally directed towards implementation goals.

Table 3: International Events on ICH (co-)Organized by UNESCO

	1970-1999	200-2005	2006-2010	2011	2012	2013	2014	2015	2016	2017
Statutory Meeting	26	8	20	2	4	2	3	2	2	0
Expert Meeting	37	19	27	4	13	3	4	3	2	2
Capacity-building (Workshop/Project)	2	1	10	21	43	39	25	29	39	7
(Sub-)regional Collaboration	0	8	11	0	3	1	3	2	0	0
Category II Centres Network	0	0	1	0	0	1	1	1	1	0
NGOs Forum	0	0	1	1	1	1	0	1	0	0
Awareness-raising	0	0	0	4	3	3	0	4	1	0
Training of Trainers (Facilitators)	0	0	0	4	0	0	1	1	3	2
Youth Forum	0	0	0	0	3	0	0	0	0	0

The zeros or small numbers in a number of the cells of Table 3 proves that the UNESCO ICH Section needs more time to promote part of its undertakings. Interestingly, the mentioned part mostly includes joint endeavors by Member States or activities by actors and partners out of the organization. This could have been due to the time-taking nature of the procedures to encourage collaborations at community, local, national, (sub-)regional, and regional levels.