

# Expert Meeting on Documenting and Archiving Intangible Cultural Heritage UNESCO – Paris / 12-13 January 2006

## 1. INTRODUCTION

### 1.1 Background

This paper is meant to give information on the meeting on documentation and archiving in the field of intangible cultural heritage (ICH) that UNESCO's Intangible Heritage Section will organise in Paris on 12 and 13 January 2006. The meeting will provide a platform for exchange of experiences and reflections on a variegated subject which has become of primary urgency, since documentation of intangible cultural heritage is one of the safeguarding measures mentioned in article 2.3 of the *Convention for the Safeguarding of the Intangible Cultural Heritage*.

Documentation is explicitly mentioned in the Convention as one of the measures to be used for realising the purposes of the Convention. Documentation will also be a necessary component in the proposals that will be made by States for the inscription of intangible cultural heritage elements on the Lists that are established by the Convention. It will also be essential to investigate the relation between inventory making and documentation, since all States Parties to the 2003 Convention will have to draft one or more inventories of the ICH present in their territory. For the text of this Convention (hereafter called "the 2003 Convention"), see annex 1.

It is important to emphasize, right from the beginning, that all safeguarding measures mentioned in article 2.3 of the Convention aim at *ensuring the viability of the intangible cultural heritage* and that an important characteristic of the 2003 Convention is its emphasis on the participation in safeguarding measures of the *communities and groups that create, maintain and transmit this heritage*.

### 1.2 Purpose of the meeting

Through the exchange of views and experiences between experts representing different disciplines and stakeholders such as representatives of communities of tradition bearers and representatives of national authorities, the purpose of the meeting is to study the needs for documentation created by the 2003 Convention and to establish what approaches and practices suit best the various purposes of the Convention and what new approaches have to be investigated.

Many countries already have experience in documenting and archiving elements of their ICH. However, purposes and, consequently, approaches used differ widely from each other. There are extremely valuable collections of documentation in the field of ICH in many parts of the world. The States Parties to the Convention

will have to be advised on whether and how these collections can be used for the benefit of the implementation of the 2003 Convention.

The outcome of the meeting might be a set of recommendations reflecting the different experiences and expectations of states and disciplines, and offering a number of complementary or alternative methodologies for documentation for different goals. The debates and conclusions of the meeting are also intended to make a contribution to the elaboration of thematic manuals on the safeguarding of different domains of the intangible cultural heritage.

It is for sure that the States Parties will ask for examples of best practices concerning recording as well as documentation and archiving of elements of the intangible cultural heritage. UNESCO intends to collect and diffuse good and best practices in the field of the safeguarding of the ICH, including its documentation.

### **1.3 Participants**

The meeting will be attended by invited experts with experience in the practice of producing, processing, storing and making accessible documentation of ICH elements. The experts, coming from many different countries, do not represent their countries: they are invited to speak in their own name, not bound by any mandate of political constraint. All permanent delegations to UNESCO will be invited to send an observer.

## **2. THE 2003 CONVENTION**

### **2.1 Historical Background**

The 2003 Convention was not the first standard-setting text prepared by UNESCO in the field of the protection of the intangible cultural heritage: the year 1989 saw the adoption of the *Recommendation on the Safeguarding of Traditional Culture and Folklore*. That recommendation proved to be less successful than hoped for in terms of follow-up activities in Member States. An obvious reason for this was its non-binding character. However, in the decade following its adoption, the *Recommendation* was critically analysed. This resulted not only in a recommendation to prepare an instrument of a more binding character, but also, while doing so, to rethink fundamentally goals, target groups, definitions and approaches.

It was recommended, among other things, that a new instrument was to be a tool for communities wishing to safeguard their ICH and for authorities wishing to assist communities in doing so, rather than for researchers eager to describe and analyse elements of that same heritage for scientific purposes. The new instrument would also have to address processes rather than products.

UNESCO in the meantime created programmes aiming at the protection of ICH and at raising awareness about its existence and importance, for instance by initiating in 1997 the programme of the *Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity*. After preliminary discussions at the 30th session of UNESCO's General Conference (1999), the 31st session of the General Conference

decided in 2001 that a new standard-setting instrument, preferably a convention, was to be prepared. Two years later UNESCO's General Conference eventually adopted the Convention in October 2003. The new Convention is intended as the counterpart to UNESCO's 1972 *Convention concerning the Protection of the World Cultural and Natural Heritage*, better known as the World Heritage Convention. The 2003 Convention will enter into force in April or May 2006.

## 2.2 Definition and domains

Article 2.2 of the 2003 Convention presents a non-exhaustive list of five domains in which the intangible cultural heritage is manifested:

- (i) *oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;*
- (ii) *performing arts;*
- (iii) *social practices, rituals and festive events;*
- (iv) *knowledge and practices concerning nature and the universe;*
- (v) *traditional craftsmanship.*

Article 2.1 is more of a descriptive nature. It describes the ICH as *the practices, representations, expressions, knowledge and skills - as well as the instruments, objects, artefacts and cultural spaces associated - therewith that communities, groups and, in some cases, individuals recognize as part of their cultural heritage*. So, the Convention wishes to safeguard temporary and ephemeral manifestations (*practices, representations, expressions*), as well as the *knowledge and the skills* needed for the performance of those manifestations, and movable elements (*instruments, objects, artefacts*) and built and natural settings (*cultural spaces*) that are made use of for the enactment of these temporary manifestations.

Article 2.1 states further that this intangible cultural heritage is transmitted from generation to generation, that it is constantly recreated and that it provides its bearers with a sense of identity and continuity.

This same article finally informs the reader that, under this Convention: consideration will be given only to such intangible cultural heritage as is compatible with international human rights instruments, as well as with requirements of mutual respect among communities, groups and individuals, and of sustainable development.

It should be specified that the 2003 Convention intends to safeguard living intangible cultural heritage - that is such manifestations that are spontaneously transmitted from generation to generation, that are liable to change at every manifestation and that are representative for groups and communities, in being of primary importance for their sense of identity and continuity.

### 2.3 Documentation, identification, inventory-making

Article 2.3 of the Convention defines the term “safeguarding” as *measures aiming at ensuring the viability of the intangible cultural heritage*. This viability can be obtained by protecting, restoring or creating the conditions that ensure continued enactment, recreation and continued or renewed transmission of intangible cultural heritage practices and expressions. Such measures, intended to protect processes, are specified in great detail. They are said to include the *identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage*.

Article 11 states that States Parties have to identify and define the various elements of their ICH with the participation of communities, groups and relevant NGOs. That the Convention is serious about this can also be understood from article 2, which defines, for the purposes of the Convention, ICH as *practices, representations, expressions, knowledge and skills that communities, groups and, in some cases, individuals recognize as part of their cultural heritage*.

The first paragraph of the next, twelfth article stipulates that *(T)o ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory*.

The Intangible Heritage Section organized in March 2005 a meeting on inventory making in the field of intangible cultural heritage; the report of that meeting, which soon will also be available in French, is attached as annex 2. It became evident that these inventories will be quite different in their approaches from State to State (for instance domains covered, depth of description, primary ordering parameters) and that in many cases inventory making will constitute a first step in documentation.

Member States will be supported by UNESCO in their task of setting up national inventories. According to article 20 of the Convention, international assistance may be granted for, among others, *the preparation of inventories in the sense of articles 11 and 12*.

The relation between inventory making, as asked for by the Convention, and different types of documentation and archiving will have to be elaborated.

In this context it is to be emphasized that article 15 of the Convention stipulates that *(W)ithin the framework of its safeguarding activities if the ICH, 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*. Thus, the Convention explicitly expects States Parties to the Convention to involve in their national safeguarding activities the groups and communities who are the holders and transmitters of the elements that are to be safeguarded.

### 3. ORGANS OF THE CONVENTION, OPERATIONAL DIRECTIVES AND MANUALS

#### 3.1 Organs

The Convention will enter into force three months after the deposit of the thirtieth instrument of ratification (by the end of 2005, 28 States already ratified). The States Parties, who will jointly constitute the Convention's General Assembly, will, after that entry into force, during the first session of their General Assembly, which probably will start on 27 June 2006, elect from their midst an 18-member Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage.

Articles 16 and 17 of the 2003 Convention stipulate that the Intergovernmental Committee shall establish, respectively, a *Representative List of Intangible Cultural Heritage of Humanity* and a *List of Intangible Cultural Heritage in Need of Urgent Safeguarding*. It will also prepare, as part of the *operational directives*, criteria for the inscription of elements of the intangible cultural heritage on those lists. The Committee will further select, for granting international assistance, various programmes and projects, thereby focusing on intangible cultural heritage inscribed on the *List of Intangible Cultural Heritage in Need of Urgent Safeguarding* and on the preparation of inventories.

#### 3.2 Operational directives and manuals

The Convention does not prescribe in detail the system of world-wide cooperation for the safeguarding of the intangible cultural heritage it advocates. This will be the task of the *operational directives*, to be prepared by the Intergovernmental Committee for discussion and approval by the General Assembly of the Convention (see article 7 of the Convention), that will guide the interpretation and the implementation of the 2003 Convention. Unlike the text of the Convention, operational directives can be relatively easily subject to updating and adjustment: not only the intangible cultural heritage itself is evolving, but also views about it and about its safeguarding, which also differ from region to region, are bound to change over time.

The operational directives will also have to give indications on inventory making, documentation and access to them. In this regard it is worth referring to article 13.d (ii), which asks States Parties to endeavour to adopt appropriate measures aimed at, among other things, *ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage*.

To explain the working of the Convention to State Parties and provide guidance for the implementation of safeguarding measures, several manuals will be produced. The manuals foreseen so far are: (1) a general manual, (2) one on social practices, rituals and festive events, (3) one on oral traditions and expressions and (4) one on traditional dance and music. The manuals are intended to serve practitioners in the communities, other experts (for instance those working in institutions specialising in research and/or documentation and archiving) and decision makers in their safeguarding actions and to assist these actors in implementing the provisions of the Convention. The manuals will be written by experts from all regions; they will

introduce the various domains of the intangible cultural heritage and deal with methodologies for the implementation of safeguarding measures, including documentation, inventory-making and access to them. The manuals are to contain large numbers of examples of good practices, and analyses of problematic questions encountered so far while taking into account regional differences in approaches and appreciations.

## **4 Documentation and archiving in the spirit of the 2003 Convention**

### **4.1 The context repeated**

The 2003 Convention, besides other goals, wishes to contribute to the safeguarding of ICH (see article 1), “safeguarding” meaning measures aimed at ensuring the viability of the ICH (see article 2.3) and “ICH”, for the purposes of this Convention, meaning traditional but living practices, expressions and representations, and underlying skills and knowledge, as well as associated instruments, objects, artefacts and cultural spaces, that by communities and groups are recognized as part of their cultural heritage (see article 2.1). It seems appropriate in this context to emphasize that ICH traditionally is mainly transmitted orally and that recording and documentation should respect the oral dimension of the ICH expressions and practices. This means that when we are speaking about documentation and archiving in relation to the 2003 Convention, we are dealing with the need to record, to document, to archive and to make accessible the enactment and transmission of living practices in their social context, with a number of clear *purposes*, and under certain *conditions* as determined by the Convention.

### **4.2 Purposes: safeguarding, memory, sharing, research**

UNESCO’s Secretariat is preparing the implementation of the 2003 Convention, including the drafting of a number of manuals that will introduce safeguarding measures for different domains of the ICH and illustrate them through the provision of best practices. Indications on how best to record, document and archive elements belonging to the different domains of the ICH (for these domains, see article 2.2) will have to be provided. While doing so, different target groups will have to be kept in mind: from professionals working in research institutions and archives, who often so far have been working with materials belonging to the past mainly (and/or in traditions where knowledge is mainly transmitted in written form), to – on the grass-root level - community members wishing to contribute to safeguarding ICH elements.

Since the Convention stresses the value and the function of ICH for the communities and groups concerned, as well as the importance of its continued transmission, it seems clear that the function of ICH elements and the way or ways in which they are transmitted deserve appropriate attention in the processes of recording and documentation.

Article 2.3 of the Convention indicates that documentation of ICH is one of many different **safeguarding** measures, which means that a major function of

documentation should be contributing to continued enactment and continued transmission of ICH elements. The challenge is whether and, if yes, how documentation might contribute to continued transmission in traditional ways and how it may contribute to the development of new forms of transmission, in both types of cases without in the act freezing the element in question.

The “freezing” question may have to be tackled in a more general sense; it is often feared that documentation of a living tradition may contribute to its standardization. The establishment of, for instance, one canonical text for an epic tradition which knows a lot of variation and, in fact, is constantly recreated, would not be in the spirit of the Convention.

Since the Convention assigns an important place to the communities and groups who are the bearers of ICH traditions, the next function of documenting ICH to be considered might be providing depositories of their ICH manifestations to the communities. Especially ICH elements that are about to disappear might be documented to preserve them, for the **memory** of the community (or, for that matter, the country/nation) for the coming generations. Easy access is here imperative.

A third function of documentation should be **sharing** ICH worldwide, thus celebrating human creativity and cultural diversity. In this regard one may refer to article 1 of the Convention and article 16 which introduces the Representative List of the ICH of Humanity, among other things *in order to ensure better visibility of the ICH and awareness of its significance*.

The final general goal might be collecting and documenting for the sake of **research**.

Restricted but specific, and from the point of view of the Convention very important requirements regarding recording, documentation and archiving are posed by the obligation for the Convention’s States Parties to draft inventories of their ICH and by the possibility for States Parties to submit ICH elements for inscription on the Convention’s Lists (see paragraphs 4.3, 4.4 and 4.5 below).

#### **4.3 The relation between inventories and documentation**

As mentioned above, States Parties to the Convention are required to *identify* and *define* the ICH present in their territory (article 11) and, as a third introductory safeguarding measure, to *draft one or more inventories* of that heritage (article 12). Often these inventories present or will present only limited information. In many States there is so much to inventory that it does not seem possible, if only for financial and capacity considerations, to create in one go systems that provide full-fledged information about all inventoried elements. Moreover, it does not always seem advisable to provide all information available, in view of intellectual property rights issues and questions of access, for example because a community, in view of the secret or sacred character of some ICH elements, does not wish these elements to be documented, or even to be mentioned in a generally accessible inventory.

The meeting may wish to address the question which points – if relevant – should be addressed in any inventory of ICH elements. The following list may be used as a starting point:

- Short but maximally informative title;
- Community concerned/language involved;
- Location(s);
- Domain(s) concerned;
- Characteristics of the expression/tradition;
- Associated tangible elements (if any);
- Availability of associated tangible elements?
- Name of the element as used by community concerned;
- Performed at what occasion(s)?
- Performed by whom (age/gender/names)?
- How transmitted?
- Viability, or level of endangerment;
- Threats (if any);
- Relevant local organisations (NGOs and others) (if any);
- Community explicitly agreeing to listing?
- Reference to literature/discography, audiovisual material?
- Information collected by?
- Information collected when?

#### **4.4 National Representative Lists**

One of the outcomes of the March 2005 meeting on inventory making pointed in the direction of a suggestion to States Parties to the Convention to create, on the basis of their national inventory (or inventories) a restricted National Representative List of ICH. The elements listed there should be selected in such a way that they are representative of the ICH of the various communities and groups that can be distinguished in a given country, and, hence, of that of the country as a whole. All National Representative Lists should meet certain uniform criteria that are in conformity with the conditions that can be found in the Convention and that are to be established by the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage that will implement the Convention. Elements that States wish to propose to the Committee for listing and/or funding in the framework of the 2003 Convention, should be taken from these lists. The need to recommend the creation of such national lists was felt since the inventories that States are establishing vary greatly as to – for instance - make up, domains covered and depth of information provided. Elements listed in the National Representative Lists would need more extensive information and documentation than elements that are listed only in the *inventories*.

#### **4.5 Documentation and inscription on the Convention's Lists**

Files that will be submitted by States to the Intergovernmental Committee in order to propose the inscription of an element of the ICH present in their territory, will need to contain profuse information and documentation on the element proposed. All points that minimally will have to be addressed in national inventories, should also be addressed – but more extensively – in proposals for inscription, and the proposed element should be thoroughly documented in a way that is appropriate for the specific domain(s) of the ICH it belongs to (see article 2.2). Similar requirements may be posed concerning elements of ICH that will be placed on the possible National Representative Lists that were mentioned above.

Proof that the proposed element is representative and distinctive for a given community, that it is living and traditional, and in conformity with generally accepted international human rights instruments will have to be provided. If applicable, factors threatening the viability of the element in question will have to be extensively discussed and a realistic action plan aimed at remedying the situation will have to be provided. Audiovisual recordings will have to be added that clearly demonstrate practices and performances, as well preparations for them, their social and cultural contexts and functions; finally, extensive proof of the prior and informed consent of the community concerned for listing and, if applicable, for safeguarding measures, is to be given. Reference is to be made to extensive bibliographies, discographies and collections of audiovisual materials, if present.

Independent experts, invited and coordinated by an umbrella-NGO, will have to evaluate such submissions. The NGO will advise the Intergovernmental Committee which is then to decide whether the element will be inscribed on the Representative List only, on both the Representative List and the Urgent Safeguarding List, or – since the proposal fails to meet the requirements – on whether is not to be inscribed at all. The requirements concerning information and documentation that are to be provided by States Parties, will have to be specified in the Convention's Operational Directives which will be prepared by the Intergovernmental Committee.

Proposals for inscription on the Representative List should not only define, identify and document the element in question, they should also meet a number of explicit criteria that follow from threshold-stipulations made in the Convention. A first discussion about such criteria took place during an expert meeting held at UNESCO HQ on 5-6 December 2005; the set of criteria that was formulated at that time will be edited and offered to the Intergovernmental Committee for further discussion and elaboration.

The report of the 5-6 December 2005 meeting is not ready yet. The criteria, formulated at that occasion, are nevertheless already presented here in a preliminary and adapted form (the first four of these criteria together may be considered as constituting a test for representativity).

*Proof must be given that the element submitted for inscription:*

- (i) is considered by the community, group or, if appropriate, the individuals concerned as part of their cultural heritage;*
- (ii) provides the community or group involved with a sense of identity and continuity, based on shared experience and collective memory;*
- (iii) is rooted in the community or the group in which it is continuously transmitted and recreated;*
- (iv) would enhance, by being inscribed on it, the diversity of ICH on the List,*
- (v) thus reflecting cultural diversity worldwide and testifying to human creativity;*
- (vi) is already inscribed on a National Representative List that complies with all relevant criteria established for selection for the Convention's Representative List ;*
- (vii) is submitted with the prior and informed consent of the community, group, or, if applicable, the individuals concerned and that it/they has/have participated at all stages of processes of identification, definition, documentation and nomination;*
- (viii) is being effectively safeguarded through appropriate means and measures, or may be effectively safeguarded by means of a well elaborated and feasible plan for safeguarding.*

#### **4.6 Domains and approaches: practical questions**

Documentation of ICH for all purposes mentioned above has to cater for the different domains that are distinguished in article 2.1 of the Convention, that is: (i) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; (ii) performing arts; (iii) social practices, rituals and festive events; (iv) knowledge and practices concerning nature and the universe; (v) traditional craftsmanship. Other domains may be added in the future; candidates could be: (a) traditional games and plays, (b) culinary traditions, (c) places of memory.

The experts might wish to discuss, from a comparative perspective, their experiences with recording and documenting of different types of ICH, while keeping in mind that the Convention is as much - if not more - interested in processes, in functions and values as perceived by the communities themselves, and in preparations within the community, and in the interaction between performers and audiences during the performances themselves, than in final products. When speaking about handicrafts, for instance, it is rather production processes and related traditions and practices, the related knowledge and skills and underlying values, than the objects produced that should get the main attention.

It will also be necessary to discuss the relative usefulness of different types of recording, from simple transcriptions till full-fledged multi-media approaches, in relation to the widely divergent domains to be covered, and in relation to the various purposes for which the Convention advocates or requires recording, documentation and – possibly – archiving. Finally, financial constraints will also have to be taken into account; since there are countless ICH elements which ask for recording and documentation, and since the financial possibilities differ from country to country, exchanges of experiences about how to limit costs while keeping up quality standards will also be welcome.

#### **4.7 Actors and communities: organisational and ethical questions**

The States Parties to the Convention are encouraged to create or designate competent bodies for the safeguarding of the ICH, including “documentation institutions”, to facilitate access to them, and further to foster scientific and technical studies with a view to effective ICH safeguarding (article 13 of the Convention). Article 15 asks all States Parties to ensure *the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit the ICH, and to involve them actively in its management.*

The Convention leaves it to its States Parties to develop their own strategies as to the involvement of “competent bodies” and institutions, and of the communities of practitioners. Concrete information about good practices from a wide variety of countries would be most welcome, specifically about well-trying approaches for involvement of communities of tradition holders and practitioners.

Access to documentation and archives deserves a good deal of attention since article 13 of the Convention does not only wish that measures be taken that aim at facilitating the access to documentation institutions but also that customary practices governing access to specific aspects of the ICH be respected.

Exchanges between archives and other institutions in former colonial powers and in developing countries might also be discussed; experiences in this respect would be welcome.

UNESCO is eager to collect practical experiences with protocols or agreements that give communities the possibility to agree or not to agree to recording, documentation and archiving of elements that belong to their ICH, and to negotiate their conditions concerning access and possible profit-sharing.

There are several more general codes of ethics at the international, national and local levels, dealing with, among other things:

- The Protection of the integrity and the preservation of the context of archived materials,
- Probity in access, collection development and other transactions,
- The right of access,

- Observing the 'rule of law' and policy-based decision making,
- Integrity, honesty, accountability and transparency,
- Confidentiality,

Apparently the FIAF is the only audiovisual archiving federation to have adopted a formal code of ethics (it did so in 1998) and adherence to it is obligatory for its members (<http://www.fiafnet.org/uk/members/ethics.cfm>).

In view of the complementary mandates of UNESCO and WIPO, the World Intellectual Property Organization, when it comes to the protection or safeguarding of ICH elements, the meeting will not be asked to deal extensively with intellectual property rights: whereas UNESCO's Convention wishes to maintain or restore conditions under which manifestations of ICH can be enacted and transmitted, it is WIPO which is studying the possibilities of developing an international instrument for protecting the property rights of communities and groups over their ICH practices and expressions.