



UNESCO Chair

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University of Rome

Intangible Cultural Heritage  
and Comparative Law



# INSTRUMENTS OF LEGAL PROTECTION OF ICH IN SPAIN

Carmen Cabrera Lucio-Villegas. Ministry of Culture and Sport of Spain

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# Instruments of legal protection of ICH in Spain

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***I- Introduction: The richness and complexity of ICH in Spain***

***II- Political and Administrative background: The Spanish Constitution of 1978***

***III- Legal framework of ICH: State and regional laws***

***IV- Specific instruments of protection***

# Instruments of legal protection of ICH in Spain

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## I- Introduction: The richness and complexity of ICH in Spain

17 elements inscribed on the Representative List of 2003 Convention.

3 elements inscribed on the Register of Good Safeguarding Practices of 2003 Convention



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## I- Introduction: The richness and complexity of ICH in Spain

(a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage





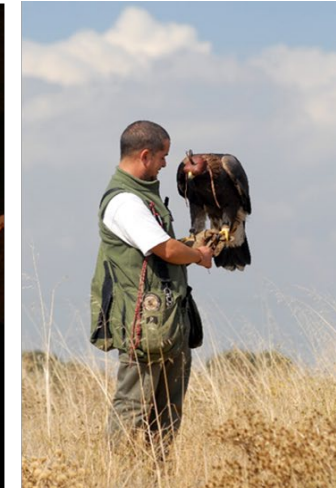
# Instruments of legal protection of ICH in Spain

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## I- Introduction: The richness and complexity of ICH in Spain

(c) social practices, rituals and festive events

(d) knowledge and practices concerning nature and the universe



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## I- Introduction: The richness and complexity of ICH in Spain

### (e) traditional craftsmanship





## II- Political and administrative background: The Spanish Constitution of 1978

### Cultural Constitution:

**"Protect** all Spanish citizens and peoples of Spain in the exercise of human rights, their **cultures and traditions, languages and institutions"**

**"Promote the progress of culture** and economy to ensure a dignified quality of life for all".

**"The public authorities shall guarantee the conservation and promote the enrichment of the historical, cultural and artistic heritage** of the peoples of Spain and of the assets that comprise it, whatever their legal status and ownership"



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## II- Political and administrative background: The Spanish Constitution of 1978

- A model of territorial decentralization:  
**State of Autonomies**  
(17 Autonomous Communities)

→ **Culture: concurrent power**  
(State/Autonomous Communities)





## III- Legal framework of ICH: State and regional laws

- Law of the Spanish Historical Heritage (1985)
  - “ (...) **knowledge and activities** that are or have been a **relevant expression of the traditional culture of the Spanish people** in its material, social or spiritual aspects”
- **ETHNOGRAPHIC HERITAGE**
- Following autonomous laws of historical or cultural heritage: Between 90s and the present date the 17 Autonomous Communities have legislated on their historical or cultural heritage.



## **III- Legal framework of ICH: State and regional laws**

### **Law on the Safeguarding of ICH (2015)**

- Concept of ICH inspired by Article 2 of the 2003 Convention
- Fundamental principles and rights
- General administrative and organic mechanisms (General Inventory of ICH)
- A new category of protection: Representative manifestations of ICH
- Regulation of the operational instruments of action (National Safeguarding Plan)
- General purposes of the different areas and sectors for a better safeguarding of ICH

## *IV- Specific instruments of protection*

### Legal categories of protection for intangible heritage

- **Law of the Spanish Historical Heritage of 1985.** 3 levels of protection:
  - 1- Unregisterd goods
  - 2- Medium- grade goods
  - 3- **Assets of Cultural Interest** (most relevant)

→ System of levels of protection replicated by the Autonomous Communities
- **194 intangible Assets of Cultural Interest** declared by the Autonomous Communities
- **9 Representative Manifestations of ICH** (National level- Law on the Safeguarding of ICH. 2015)

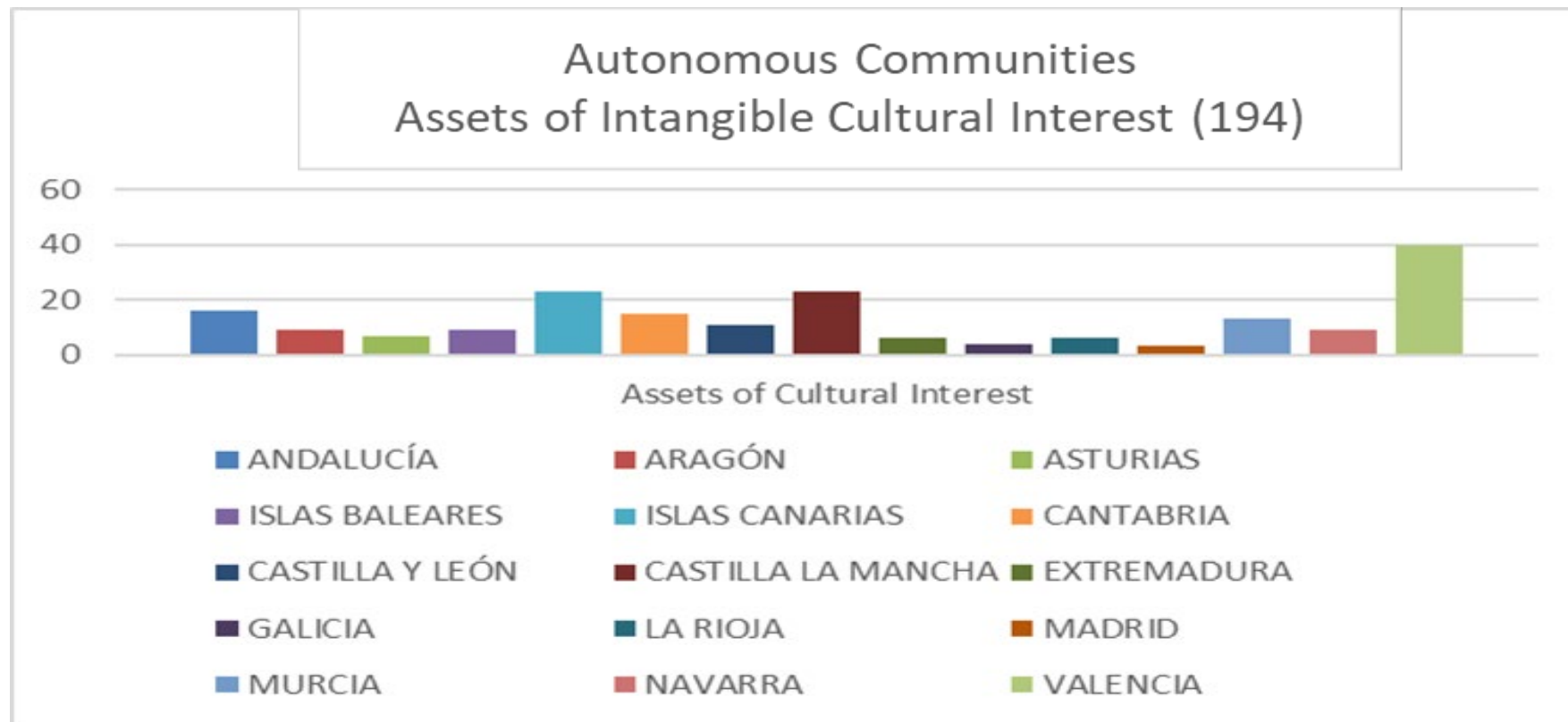


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## IV- Specific instruments of protection

### Legal categories of protection for intangible heritage



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## IV- Specific instruments of protection

### Legal categories of protection for intangible heritage

#### Autonomous Communities declarations



*Endiablada. Castilla La Mancha*



*San Isidro festivity. Madrid*



*Jota. Aragón*



*Cider. Asturias*

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## IV- Specific instruments of protection

### Legal categories of protection for intangible heritage

#### National level: Representative Manifestations of ICH



1. Carnival



2. Holy week



3. Transhumance



4. Sexenni



5. Esparto



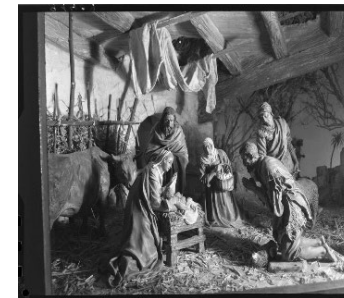
6. Bellringing



7. Musical societies of Valencia



8. Glass blowing techniques



9. Belenismo



## *IV- Specific instruments of protection*

### Inventories

*"You cannot protect what is not known"*

- Preinventories or inventories of knowledge
- Inventories and catalogs: management of ICH  
→ Administrative procedures/ Assets of Cultural Interest
- **Spain: many experiences of inventories**

Periodic reporting 2022: **27** inventories (diverse typology)

## IV- Specific instruments of protection

### Inventories

#### Atlas of the Intangible Heritage of Andalusia

- Andalusian Institute of Historical Heritage
- Since **2009**
- Anthropological research
- **62 territorial areas**/ more than 400 municipalities
- Territorial, extensive and open recording criterion



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## IV- Specific instruments of protection

### Inventories

#### Atlas of the Intangible heritage of Andalusia

- It currently has **1753 assets** registered in 4 areas:
  1. festive rituals
  2. trades and knowledge
  3. ways of expression
  4. gastronomy

→ **Network of reporting agents**





## IV- Specific instruments of protection

### The National Plan for the Safeguarding of ICH

- Presented by the Ministry of Culture in **2011** and accepted by all the Autonomous Communities
- Management: **Institute of Cultural Heritage of Spain (Ministry of Culture)**
- Concepts, **methodology** and **criteria** → **reference instrument**
- Budget allocated
- Main objective: **coordination** between the competent administrations and with local authorities
- Not a legislative tool



## IV- Specific instruments of protection

### The National Plan for the Safeguarding of ICH

#### Outstanding projects:

- Annual Grants for ICH safeguarding projects
- Didactic units for educational programs
- Special safeguarding Plans



*ICH Didactic Units*



## *IV- Specific instruments of protection*

### The National Plan for the Safeguarding of ICH

#### Outstanding projects:

- Atlas and inventorying projects
- Exhibitions
- Training: conferences and capacity building activities



*2021 Seminar. "Women and ICH"*



*Atlas of traditional vineyard cultivation and its unique landscapes*



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## **IV- Specific instruments of protection**

### **The National Plan for the Safeguarding of ICH**

#### **Current lines of action**

Three **wide-ranging National strategies**:

**1- National Strategy for the demograohic challenge**

**2- National Strategy for Adaptation to Climate Change**

**3- Spanish Sustainable Development Strategy**





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***Thank you very much!!!***