



UNESCO Chair

UnitelmaSapienza

University of Rome

Intangible Cultural Heritage
and Comparative Law



Towards an agenda to discuss ICH and national laws

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4 previous points



1

ICH SAFEGUARD

Two newspapers headlines

The Guardian, 12th May 2001

The screenshot shows the Guardian website interface from May 12, 2001. At the top, there are navigation links for 'Contribute' and 'Subscribe'. Below this is a dark blue header with the Guardian logo and the tagline 'News website of the year'. A secondary navigation bar includes 'Opinion', 'Sport', 'Culture', and 'Lifestyle'. A list of regional and thematic categories follows: 'Europe', 'US', 'Americas', 'Asia', 'Australia', 'Middle East', 'Africa', 'Inequality', and 'Global development'. The main headline is 'Afghan Buddhas lost for ever', with a sub-headline stating 'The Taliban's demolition of two giant statues of Buddha has been independently confirmed for the first time.' Below the headline, a snippet of text reads: 'A reliable western source said that truckloads of dynamite were brought in'. To the right of the main article is an advertisement for 'Weekly answers for enquiring minds...' featuring a polar bear and a woman's face.

The Guardian, 10th June 2020

The screenshot shows the Guardian website interface from June 10, 2020. The top navigation bar includes 'Home', 'Nigeria', 'World', 'Politics', 'Sport', and 'Opinion'. The main headline is 'Christopher Columbus statue beheaded in Boston', with a sub-headline stating 'A statue of Christopher Columbus in Boston has been beheaded, police said Wednesday, as calls to remove sculptures commemorating colonizers and slavers sweep America on the back of anti-racism protests.' The article is attributed to 'By AFP' and dated '10 June 2020 | 6:01 pm'. Below the headline is a large image showing the beheaded statue. To the right of the main article is an advertisement for 'Planos EDP' with the text 'É plico é ter consultas a 25€' and 'Aderte'. At the bottom right, there is a notification for 'Recorte guardado na área de transferência'.

Talibans

Black Lives Matters

Irrational behaviors

Development of urban ghettos

Social segregation

Intolerance

In fact:

- Identities change
- Demographics makes the profile of society vary
- Democracy (accepting differences) is a process that requires effort

THIS IS WHY ICH SAFEGUARD AND MANAGEMENT ARE IMPORTANT



2

LANGUAGES; A VEHICLE ?

Languages

Many are outside of Media, school and market systems

Today, there are around 7000 languages, dialects and ways of speaking. But according to the UNESCO Atlas, 2464 are under different types of risk.



In fact

- Languages can't be inscribed in UNESCO representative list (except 2 whistler's languages)
- As a convention only can be signed by state partners
- States move for political reasons though with technical support

ICH ITSELF SURVIVAL AND 2003 CONVENTION ARE ESSENCIAL TO SUPPORT LANGUAGES



3

MAINSTREAM CONCEPTS AGAINST OUR MEMORY



Our ancient neighborhood





The mainstream threat
An unstoppable flow



**IT'S EASY TO UNDERSTAND HOW ICH
PREVENTION HAS BECAME A KEY ISSUE**



4

TOURISM AND ICH

Tourism provides economic support to whole heritage and jobs; also, social opportunities to many people

BUT also presents risks

- Artificialization and Industrialization
- Pressuring craftsmen and women to change practices according their conveniences



Summary

- Identities change and merge with others
- Reference groups can adapt themselves to reality; and they do
- Heritage, especially ICH, it's a social construction



ICH concept

(2003 Convention)

It's an ICH asset (200, Convention, article 2, n. 2)

It exists and it's alive

Passed down between generation

The community recognizes it as its heritage

Must incorporate innovation

Communities, groups and individuals must control the process

Inscribed in a national inventory
(2003 Convention, article 13)

Must contribute to peace and human rights



Inventory and Process control

Inventory and process control

Inventory

- 2003 Convention explain what the inventory must include
- Many countries hasn't a national inventory, but several recognized by UNESCO as associate
- Inventory file changed from a country to another

Process control

- Increase social cohesion
- Ensure transmission conditions
- Bring and keep communities, groups and individual in the process (2003 Convention, art. 15)
- Avoid the public exclusivity of the process management

Legislation



The legislation and the diversity

In general

- Many countries have no ICH national law
- They classify each ICH asset using different strategies
- They accept civil society inventories that UNESCO recognizes as associate
- Inventory file changed from a country to another

ICH main Portuguese laws

- **2009** Decree-Law n. 139/2009 15th June
- Accepted other inventories but public service and classification control
- More open to communities
- **2015** Decree-Law 149/215 4th August
- Public services has total control and somehow communities are excluded

Thank you

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