



UNESCO Chair

**UnitelmaSapienza**

University of Rome

Intangible Cultural Heritage  
and Comparative Law



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# SAFEGUARDING ICH IN BRAZIL IN ACCORDANCE WITH THE UNESCO CONVENTION

Professor Humberto Cunha Filho (University of Fortaleza – Brazil)

[UnitelmaSapienza.it](http://UnitelmaSapienza.it)

## Frevo - Pernambuco



Motivating question

- What **impacts** has the incorporation of the UNESCO **Convention** for the safeguarding of the ICH caused in **Brazil**?

## Plan brief topics

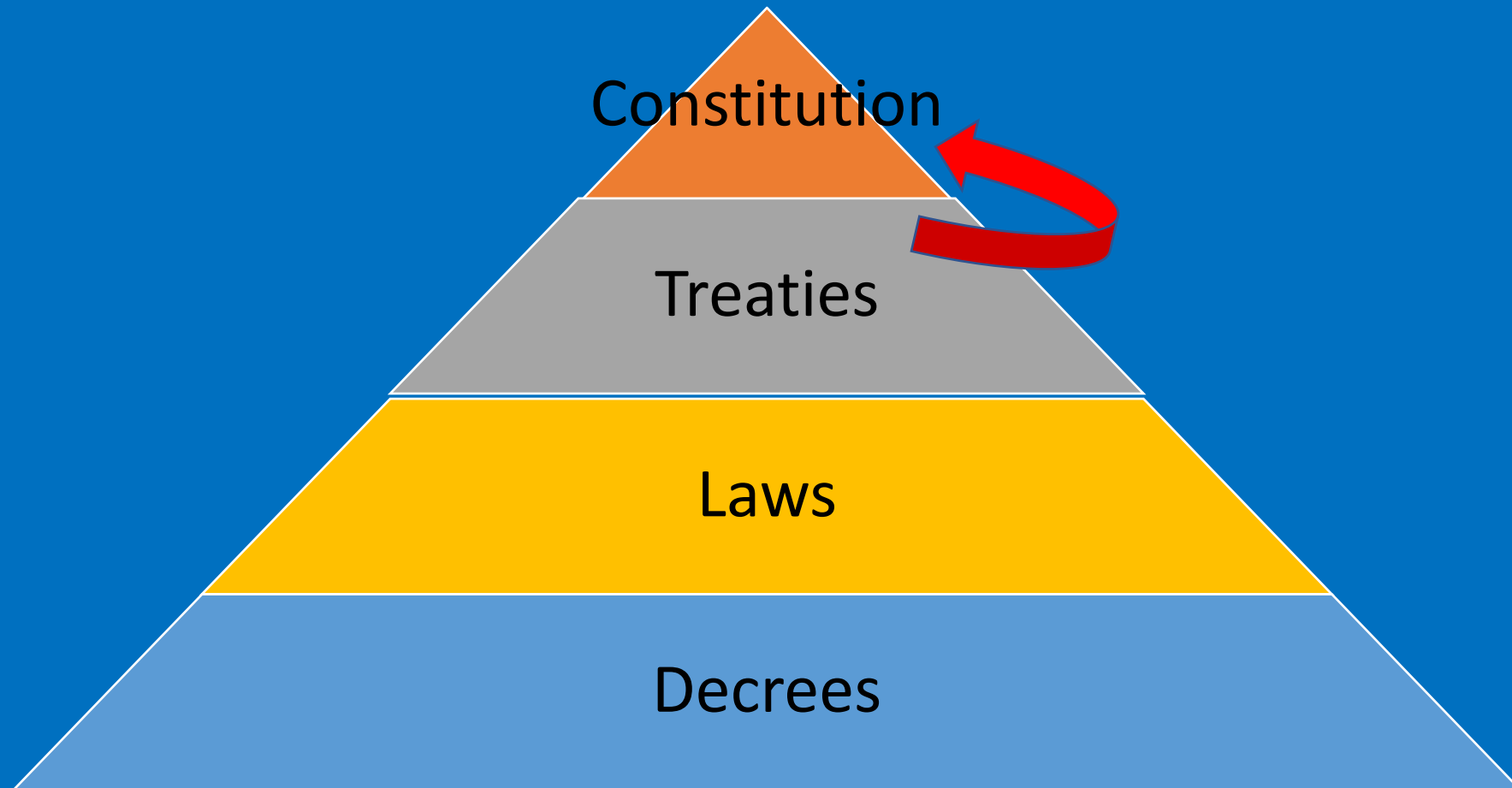


- Legal and political organization of Brazil
- Pre-conventional legislation
- Convention impacts

# Brazil: Political organization



# Legal organization: hierarchy





FORMS OF EXPRESSION

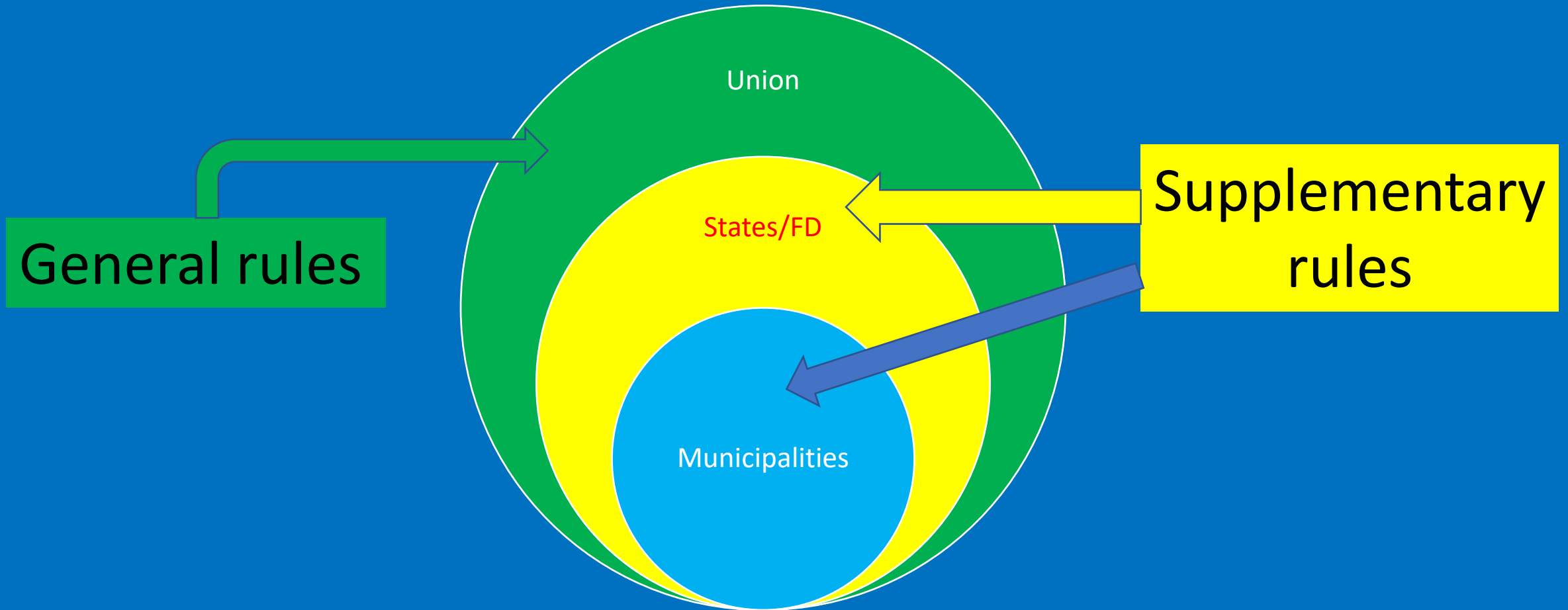
WAYS OF CREATING,  
MAKING AND LIVING

SCIENTIFIC, ARTISTIC  
AND TECHNOLOGICAL  
CREATIONS

## Article 216.

The Brazilian **cultural heritage** consists of the assets of a material and **immaterial** nature, taken individually or as a whole, which bear reference to the identity, action and memory of the **various groups** that form the **Brazilian society**, therein included:

# Cooperative Federalism

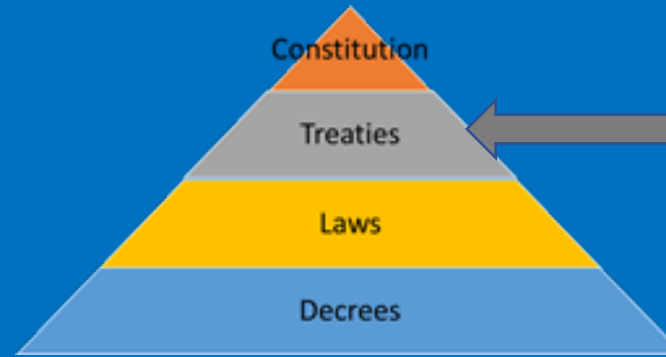


National Cultural Heritage System





# Convention/2003



# Brazil/2006

- Oral traditions and expressions, including language
- **Performing arts**
- **Knowledge and practices concerning nature and the universe**
- Social practices, rituals and festive events
- Traditional craftsmanship



Capoeira



Vaquejada

1st problem: aspect not explicitly incorporated into Brazilian law

## Convention

### Article 2

- Compatible
  - human rights
  - mutual respect
  - sustainable development



2nd problem: inversion of priorities (practices)

- CONVENTION
  - Article 2
- Recognizing that **communities**, in particular indigenous communities, **groups** and, in some cases, **individuals**.

## 3rd problem: omission of federative policy

Bumba-meu-boi



## Convention

### Article 35

- The federal government shall inform **States and Municipalities** of their legislative and administrative obligations.



# CONCLUSION

- **The country still needs to take additional measures** to make its law, practices and policies compatible with the UNESCO **Convention**.