UNESCO's 2003 Convention and Sustainable Development: the International Policy Context and National Experiences

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Abstract

This discussion is strategically situated within two important and inter-connected discourses, namely that of human rights (including cultural diversity) and sustainable development which, in particular, provided the policy framework within which the 2003 Convention for Safeguarding Intangible Cultural Heritage (ICH) was developed. These are vital contexts for ensuring sustainability of communities and of safeguarding their heritage. Within this human rights/sustainability framework, a primary focus is on participation as a (procedural) human right and how the role of communities (and groups and individuals) in safeguarding ICH is perceived under the 2003 Convention. An important question here is: how much room is allowed for diversity and even dissent within communities? In recent years, field human rights issues have been introduced more explicitly into the protection of cultural heritage than ever before as illustrated in the Human Rights Council (HRC) Report on the right of access to and enjoyment of cultural heritage which recognised cultural heritage as a proper subject for human rights. The safeguarding intangible cultural heritage now places a duty on States *to ensure its viability*, implying the recognition of a wide range of social and cultural rights of bearer communities. In recent international policy documents on the *sustainable development goals*, the three fundamental principles of sustainable development are understood as: human rights; equality; and sustainability.

UNESCO has been working for the past 10 years to place culture much more firmly in this development agenda, not as an adjunct (or even an obstacle to) development but as a key driver of it. This has, to some degree, been successful but there remains much work to be done before culture is accorded its proper place in setting international

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development goals and their implementation. All of this makes the 2003 Convention and its policy context highly relevant since (a) it can contribute to sustainable community development and (b) further the international debate on the role of culture more generally in development. Sustainable development depends upon innovation which, in turn, depends upon the use of knowledge over time such as that embodies in ICH. This draws out an apparent paradox whereby the ability to innovate is often built upon inherited 'traditions', which reminds us that the idea of a 'traditional heritage' is not something stuck in the past but, rather, a set of skills, know-how, understandings that have been passed on through generations and have acquired new shapes and additional elements over time. In this way, intangible cultural heritage is truly a living heritage that can contribute in various ways to sustainability of communities, their livelihoods and of the environment.

I n t r o d u c t i o n

My discussion today is strategically situated within two important and inter-connected discourses, namely that of human rights (including cultural diversity) and sustainable development which, in particular, provided the policy framework within which the 2003 Convention for Safeguarding Intangible Cultural Heritage (ICH)[1] was developed. These are vital contexts for ensuring sustainability of communities and of safeguarding their heritage.

Within this *human rights/sustainability framework*, a primary focus is on participation as a (procedural) human right and how the role of communities (and groups and individuals) in safeguarding ICH is perceived under the 2003 Convention. An important question here is: how much room is allowed for diversity and even dissent within communities?

In recent years, field human rights issues have been introduced more explicitly into the protection of cultural heritage than ever before:[2] The Human Rights Council (HRC) Report on the right of access to and enjoyment of cultural heritage[3] was an important formal recognition of cultural heritage as a proper subject for human rights, opening with the following statement that leaves no question as to the relevance of human rights to cultural heritage protection:

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[1]   Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO, 17 October 2003), online: <http://unesdoc.unesco.org/images/0013/001325/132540e.pdf>.

[2]   With the adoption of the Universal Declaration on Cultural Diversity (UNESCO, 2001) and the International Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO, 2003).

[3]   Human Rights Council (2011) *Report of the Independent Expert in the Field of Cultural Rights*, Farida Shaheed Human Rights Council Seventeenth session Agenda item 3, 21 March 2011 [UN Doc. A/HR/C/17/38].

> *As reflected in international law and practice, the need to preserve/safeguard cultural heritage is a human rights issue. Cultural heritage is important not only in itself, but also in relation to its human dimension, in particular its significance for individuals and communities and their identity and development processes [at paragraph 1].*

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§ Human rights
§ Equality
§ Sustainability.[5]

UNESCO has been working for the past 10 years to place culture much more firmly in this development agenda, not as an adjunct (or even an obstacle to) development but as a key driver of it. This has, to some degree, been successful but there remains much work to be done before culture is accorded its proper place in setting international development goals and their implementation.

All of this makes the 2003 Convention *and its policy context* highly relevant since (a) it can contribute to sustainable community development and (b) further the international debate on the role of culture more generally in development.

It is important to note that s*ustainable development depends upon innovation* which, in turn, depends upon the use of knowledge over time such as that embodies in ICH. This draws out an apparent paradox whereby the ability to innovate is often built upon inherited 'traditions', which reminds us that the idea of a 'traditional heritage' is not something stuck in the past but, rather, a set of skills, know-how, understandings that have been passed on through generations and have acquired new shapes and additional elements over time. In this way, intangible cultural heritage is truly a living heritage and this, in turn, is an essential basis of its potential to contribute in various ways to sustainability of communities and their livelihoods, of the environment and of our human co-existence.

International Policy developments from the 1990s: Towards Heritage as a Component in Sustainability

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[4] In Article 1 of the 2003 UNESCO Convention on Safeguarding the Intangible Cultural Heritage that sets out the purposes of the Convention.

[5] See: United Nations (2015) *Realizing the Future We Want for All*, the report of the UN System Task Team on the Post-2015 UN Development Agenda. Available online at: www.un.org/en/development/desa/policy/untaskteam_undf/report.shtml (accessed 14 October 2015).

*Late 1980s-early 1990*s:

The first milestone in this period was the formulation of the notion of *human development* by the Nobel Prize-winning economist Amartya Sen which introduced a more human rights-based approach to development that gave importance to non-economic aspects of the process. In 1992, the concept of sustainable development itself was refined and given formal international endorsement with the adoption of the 1992 Rio Declaration, one of its three 'pillars' being socio-cultural, alongside the two central economic and environmental ones.

This was followed in 1995 by the publication of the Report of World Commission on Culture and Development (established by UNESCO) which stressed that *culture was a constituent element in the development process*, not just contingent to it, and noted the key part played by intangible cultural heritage in this.[6] As a follow-up to this work, UNESCO convened an international summit on Cultural Policies for Development in Stockholm in 1998. The *Action Plan* of this meeting noted that countries should make culture one of the key components of "endogenous and sustainable development".[7]

In terms of international development policy-making, the adoption by the UN in 2000 of the Millenium Development Goals (MDGs) (2000-2015)[8] was a disappointment in that they failed to include any explicit cultural goal,[9] although UNESCO worked through the Millenium Development Goals Fund (MDG-F)[10] to encourage cultural programmes within the MDGs, many of which related to ICH. In 2013, during the period of working towards the Sustainable Development Goals and Agenda 2030 (2015-2030), UNESCO held the high-level International Congress on "Culture: Key to Sustainable Development meeting in China that issued the *Hangzhou Declaration* (2013) which called for a specific international development Goal focused on culture to be included in the post‑2015 UN development agenda based on: "heritage, diversity, creativity and the transmission of knowledge". Sadly this did not happen, although the SDGs do have a number of cultural dimensions and can be linked with safeguarding ICH as I shall demonstrate below.

Alongside these new development paradigms, cultural rights which had long been the 'Cinderella' of the human rights family,[11] began to receive belated international recognition. Important steps in this was the adoption by UNESCO

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[6] World Commission on Culture and Development (WCCD) (1995) *Our Creative Diversity*, Paris: UNESCO.

[7]   Objective 1 of (UNESCO, 1998).

[8]   United Nations (2000) *Millennium Declaration*, New York: United Nations, September 2000.

[9] Philip Alston (2005) 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen through the Lens of the Millennium Development Goals,' *Human Rights Quarterly*, 27:755.

[10]   United Nations (2006) *Millennium Development Goals Fund (MDG-F)*, information available online at: http://www.mdgfund.org (accessed 12 March 2015).

[11] Janusz Symonides (1998) 'Cultural rights: a Neglected Category of Human Rights,' *International Social Science Journal* 50: 559–71.

in 2001 of the Universal Declaration on Cultural Diversity and, later, the adoption by the UN General Assembly of the Declaration on Indigenous Peoples' Rights (2007). The Fribourg Declaration on Cultural Rights (2007) was also a significant (albeit non-binding) document adopted at this time which states in its Preamble that: "respect for diversity and cultural rights is a crucial factor in the legitimacy and consistency of sustainable development based upon the indivisibility of human rights".

It is within this context that we can place UNESCO's 2003 Intangible Heritage Convention and the 2005 Convention on Diversity of Cultural Expressions. Both of these had their genesis in the 2001 Universal Declaration on Cultural Diversity) while also expressing a deeper consideration of the relationship between cultural heritage, creativity and the sustainability of development. In this way, we can see that this policy- and law-making on the international level has had a trickle-down effect and led towards recent evolutions in national approaches towards heritage and heritage communities.

Sustainable development in the 2003 Convention

The 2003 Convention recognises in its Preamble the importance of the intangible cultural heritage as "a mainspring of cultural diversity and a guarantee of truly sustainable development". The definition of ICH in Article 2 makes clear that "...consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of ... sustainable development."

In this way, the Convention provides Parties with a broad framework within which to develop heritage-based policies and programmes related to a wide number of aspects of government, from tourism to environmental protection, social inclusion and rural development. Moreover, this Convention has contributed towards creating a 'new paradigm' in heritage protection that:

§ Redefines the role of non-state actors vis-à-vis state authorities and moves the idea of heritage away from a purely State-driven concept.

§ Views cultural heritage as a social, cultural and economic resource that contributes to the development of human capabilities and, thus, to the development of their communities.

However, the 2003 Convention does not actually explain what does and does not make ICH compatible with sustainable development, how we can maximise the benefits from these or what is the relationship between ICH safeguarding measures and other policy strategies for sustainable development. These are given much more detailed explanation in the Operational Directives (OD) to the Convention that set out in detail how States Parties might harness ICH safeguarding for the goal of achieving truly sustainable development. A

new Chapter VI added to the ODs in 2016 helps to illuminate this.[12] They refer to a number of aspects of ICH that show both its breadth as a policy question but also its intimate links with sustainability:

§ Food security
§ Health care
§ Quality education for all as part of inclusive social development
§ Knowledge and practices concerning nature and environmental impacts
§ Environmental sustainability through stronger community-based resilience to natural disasters and climate change
§ Income generation through productive employment
§ Tourism towards sustaining livelihoods and inclusive economic development
§ Contributing to peace and security through preventing disputes and post-conflict resolution

Two points to note here are: (1) A key way in which ICH mirrors the sustainable development agenda is in its cross-sectoral character. Hence, effective safeguarding of ICH requires a similarly horizontal cooperation between governmental bodies and regional and local authorities. (2) The importance given to community (and group) participation in safeguarding ICH in the 2003 Convention responds directly to a procedural principle of both sustainable development and human rights. Therefore, it will be important that the design of related policies takes account of the social, cultural and other contexts in which they are to be applied and the needs of the various stakeholders involved.

How does this relate to the 2030 Agenda?
Eight of the 17 objectives of the 2030 Agenda mention culture explicitly (see below) but almost all are relevant. This gives us a good idea of this and how ICH-related policies in particular can contribute to achieving them:

• food security (Objective 2)
• quality education (Objective 4)
• access to water for all (Objective 6)
• economic growth (Objective 8)
• cities (Objective 11)
• sustainable consumption and production patterns (Objective 12)
• sustainably conserving and using the oceans, seas and marine resources (Objective 14)
• protecting and restoring terrestrial ecosystems (Objective 15)

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[12]   A first set of draft Operational Directives on Safeguarding intangible cultural heritage and sustainable development were submitted by the Secretariat to the Intergovernmental Committee at its 9th session in 2014 (ITH/14/9.COM/13.b). In its Decision 9.COM 13.b, the Committee decided to examine a revised draft at its 10th session in November 2015 and then submit it for adoption to the sixth session of the General Assembly in 2016.

Culture is also closely implicated in two others, namely:

- health (Objective 3)
- gender equality (Objective 5)

As a consequence of the pressure internationally to achieve the SDGs, Governments will increasingly set their national development strategies on the basis of these objectives. As a consequence culture, including ICH, will play a more important role than before.

National policies for ICH safeguarding – cultural and other policy-making sectors

When judging the success of UNESCO's Convention for Safeguarding Intangible Cultural Heritage (2003), one measurement we may wish to apply is the number of ratifications secured up until now. If we apply such a measure, it would suggest that the Convention has been extremely successful since there have been a relatively high number of ratifications thus far. However, another important measure is how far they have succeeded in setting appropriate policies that, among other things, promote the function of ICH in society.

Different countries implement the Convention and set related policies within a wide variety of different social, cultural, political, geographical, and environmental contexts and this leads to a diversity of policy approaches and measures chosen.

Cultural policies

Of 93 States Parties that have now reported on their implementation of the 2003 Convention, 64 had established some kind of specific ICH safeguarding policy. In terms of purely ICH-oriented cultural policies, common priorities expressed by States Parties in the 2012-2016 reporting cycles are:

- The *identification and inventorying* of intangible cultural heritage is seen by most Parties, but not all, as an essential first step for any further safeguarding.
- *Awareness-raising about and promotion of* intangible cultural heritage are also leading priorities, often aligned with formal and non-formal educational programmes.
- *Research and documentation* continue to be an important activity, contributing to identification and safeguarding measures, but can result in ignoring the need to enhance function of intangible cultural heritage in the community.
- *Education (formal and non-formal) and training* are viewed as a means of capacity-building, promotion and transmission of ICH, with bearer communities directly involved to a larger or lesser degree.

- The *recognition and/or support of 'Living Human Treasures'* (leading exponents of intangible cultural heritage elements) is a popular approach employed in several States Parties (e.g. Cambodia, Turkey and Cote d'Ivoire).

It is also worth pointing out that Parties have also sought to include intangible cultural heritage in cultural policy-making with regard to issues not explicitly addressed in the treaty text.

- Promotion of indigenous and minority languages as a form of ICH *per se* (going beyond the treaty text approach of "oral expressions and language *as a vehicle for* intangible cultural heritage")
- Including religious heritage (e.g. Peru and Zimbabwe)
- Intellectual property protection for the artistic creations and traditional knowledge that form part of intangible cultural heritage (e.g. Seychelles)
- Including elements within their definition of "intangible cultural heritage" that may no longer practised or whose transmission has been interrupted (as in Belarus).

Other policy-making areas

The integration of ICH into non-cultural areas of government policy, predominantly in development-oriented ones is a significant aspect of the policy-making for ICH safeguarding. Twenty-four of the 41 Parties that reported in 2012-2013 had sought to integrate ICH safeguarding into other policy areas, mostly development-oriented. The policy objectives stated by Parties are quite diverse, and include:

§ ICH as a driver for local/regional economic development (several Parties)
§ Policies oriented towards the needs of national minorities (Armenia) and diasporae (Hungary)
§ A strong emphasis on inter-cultural dialogue and ethnic and cultural diversity (Mexico)
§ Importance given to the heritage of indigenous peoples (Peru)
§ The central role of ICH in social cohesion (Burkina Faso)
§ The potential of ICH for preventing conflict or helping reach post-conflict resolution is also acknowledged (Kyrgyzstan, Cambodia, and Cote d'Ivoire)

Transversal character of ICH

The non-cultural policy areas implicated include the environment, social development, agriculture, genetic resource management and local economic development. In this, the transversal character of intangible cultural heritage has had significant implications for the ways in which States Parties address its

safeguarding. The experiences detailed below suggest that it is extremely difficult to confine ICH-related policies within a purely cultural framework. In a few countries (for example, in Brazil and Panama), this has been formalised into inter-agency initiatives commonly between Ministries of Culture, Education, Social Development, Indigenous Affairs, Environment, Agriculture, Tourism and Health.

Devolution to lower levels of Government

Another important aspect of the policy-making around intangible cultural heritage has been its devolution to lower levels of government, with regional and municipal authorities being tasked with policy-making. This has often been used as part of a broader regional and local (social and economic) development strategy, whereby the strategy taken for safeguarding intangible cultural heritage has been explicitly married to local development initiatives.

It has allowed local communities, cultural associations and other non-governmental bodies to become more closely involved in the process.

Inter-cultural dialogue (internal)

For a number of countries in different regions, ICH safeguarding represents *an important* vehicle for internal inter-cultural dialogue between various ethnic groups (e.g. in Mexico and Peru) and a means of improving the visibility and status of ethnic minorities (e.g. in Armenia). Such policies may also implicate ICH as a basis for identity and aim to strengthen social cohesion through recognising and valuing the diversity expressed in this heritage (e.g. in Hungary and Guatemala).

ICH as an economic resource

ICH is commonly seen as a social and economic as well as a cultural resource and it is recognised that ICH elements can be pivotal in achieving economic growth and sustainable development. Handicrafts (often allied with tourism) are regarded by many countries as a strategic entry point for their importance as an economic activity as well as their social and cultural meanings. In Nigeria, cultural industries have been established by central Government and handed over to regional and local governments in order to create an enabling environment for these ICH elements to be learnt and practised. Artisans have been trained in market trends, product design, packaging and market access in Pakistan while, in Turkey intangible cultural heritage has been incorporated into certificated vocational education initiatives (for handicrafts skills, food preparation, agriculture, interior design, fashion and textile design etc. The Czech Republic has sought to protect its artisans by adopting approved brands for traditional quality craft products which can also secure a higher market value and better sales

ICH has a combined cultural and economic character which poses a challenge for legal regulation. However, policies often seek to combine the mixed cultural and economic character of this heritage and, in the Philippines, ICH is promotes both *horizontally* (across the different ethno-linguistic groups) and *vertically* (across different economic levels). Another key aspect of the economic dimesnion of ICH relates to developing partnerships with private sector actors in order to increase public access to cultural services, as well as harnessing infrastructural development for intangible cultural heritage and its potential to contribute generally towards development programmes.

Rural development

The potential contribution that ICH can make to rural development is exploited in policy-making in many countries. For example, in Cyprus, Hungary and Belarus, funding is given to rural communities and small towns and villages with intangible cultural heritage elements with a view to encouraging them to practise and show-case their ICH in festivals and fairs. In addition, the rights of farmers and rural communities are protected in Lithuanian through creating a database of traditional agricultural and other products.

Urban heritage policies

However, the strong focus hitherto on rural heritage does not yet appear to have been matched by policies seeking to harness the potential of intangible cultural heritage for urban regeneration and social cohesion. ICH elements are disappearing as a consequence of a shift towards urban living, while others may continue in modified contexts and forms (e.g. through concerts, festivals, publications etc.). Rural-to-urban migration obviously has a growing impact on ICH, in particular in societies that used to be predominantly nomadic and/or pastoralist.

We need to develop new and creative approaches towards ICH safeguarding that minimise the negative impacts of urbanisation, while tapping into its potential to contribute to social relations, help internal and international migrants to strengthen their sense of identity and to build bridges with pre-existing communities.[13] ICH can also equip rural-to-urban migrants with the necessary tools to live better in urban settings and to overcome a sense of social and/or cultural dislocation. The multinational Tango element (Argentina and Uruguay) is a purely urban form created by the urban lower classes in Buenos Aires and Montevideo, comprising a mix of European immigrants, descendents of African slaves and *criollos* (the natives of the region) that fused into a distinctive cultural identity and so is an example of urban ICH that is ripe for use in a number of sustainable development policy areas.

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[13] As noted by Croatia in its Periodic Report no.00787/Croatia adopted by the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage at its seventh session held in Paris, France, December 2012.

ICH as a social resource

Intangible cultural heritage is an important social resource and can be positively exploited in such varied fields as traditional medicine, agriculture and metallurgy (as in Cote d'Ivoire). As a further example, a community development project in Syria built around using intangible cultural heritage towards the socio-economic development of the local community. The better social inclusion of marginalised and/or vulnerable persons and groups can also be a goal of ICH-related policies. Hence, in Armenia, handicraft schools have been established in different cities specifically for disabled persons, acting both as a form of physical therapy and also for income-generation.

ICH as a medium for preventing and mediating in conflict situations

In West Africa, State authorities often rely upon *griots* ('masters of words') and religious leaders to mediate in conflicts between the State and civil society or between neighbouring communities over natural resources. Similarly, in Afghanistan, local councils of elders hel[to resolve water use conflicts, marital problems, etc.

ICH safeguarding for ecological sustainability

During this conference, a number of examples will be presented of how safeguarding ICH can contribute towards greater ecological sustainability. Here, I just give the examples of Safeguarding traditional knowledge of medicinal plants in Panama, focusing on the traditional ecological knowledge held by pastoralists and nomads in Mongolia, interdisciplinary collaboration over traditional knowledge relating to natural resources and hazards to find new approaches towards sustainable resource management in Austria, and a Cultural Guards Training Programme in Honduras that has been offered for Park Rangers which focuses on ICH and also provides employment in a disadvantaged region as well as environmental protection.

In conclusion: two important contextual factors

There are two important contextual factors that are essential for ensuring that ICH safeguarding policies do actually serve to support sustainability, or the environment, for the heritage and for the heritage communities themselves. First, community involvement in implementing national safeguarding measures is essential, but is also a major policy-making challenge. The degree to which and the ways in which this can be done are determined by political, economic and social factors and must be tailored to each country's needs and condition.

Areas in which community involvement has been evidenced in particular include: community-based educational, training and promotional activities involving community members in identifying, inventorying, researching and

documenting their ICH; encouraging communities to submit concrete safeguarding plans and proposals for funding (e.g. to hold festivals, buy equipment) in Cyprus and prioritising funding to communities with recognised intangible cultural heritage; and instituting a dialogue with the various interested groups and communities and civil society bodies (cultural associations and non-governmental organizations) in Panama.

The other contextual factor of note relates to wide range of actors implicated in ICH-related policies. Under the 2003 Convention, ICH safeguarding involves a shift in the policy- and decision-making approach towards a model that allows for the full and active participation of a variety of social actors and which will have serious implications for the relationships between government agencies and cultural communities. Such a participatory approach greatly extends the range of stakeholders with a direct in-put into the safeguarding process to include, among others, the following:

- Central and regional government agencies
- Heritage bearers
- Practitioner associations
- NGOs
- Academic institutions
- National artistic academies
- Local non-bearer communities, individuals etc.
- Private sector

It is, therefore essential for setting effective sustainable development policies associated with ICH safeguarding that the respective roles of all these different actors be recognized and the best ways of involving them understood. Non-governmental organizations, for example, have been seen to provide a useful bridge between State authorities and heritage bearers (both in dialogue but also in undertaking implementing actions). Interestingly, these organizations are now often a repository of knowledge and expertise that allows them to provide support and advice to both sides, namely governmental authorities and communities. However, this potential needs to be better harnessed and the types of partnerships they can make with both state bodies and communities need to be more clearly identified.