

20th anniversary of the Convention  
for the Safeguarding of Intangible  
Cultural Heritage:  
**strategies and experiences from  
Latin America and the Caribbean**

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Editors:

Luciana Gonçalves de Carvalho

Yoselin Rodríguez



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# Introduction:

## Twenty Years of the Convention on Intangible Cultural Heritage in Latin America and the Caribbean

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Yoselin Rodriguez<sup>1</sup>

Luciana Gonçalves de Carvalho<sup>2</sup>

UNESCO adopted the Convention for the Safeguarding of Intangible Cultural Heritage in October 2003. Its main goals are promoting the protection, respect, awareness and mutual appreciation of intangible heritage worldwide, as well as cooperation and international assistance. Currently, the Convention has 181 Party States, of which 32 are in Latin America and the Caribbean. The importance of the 2003 Convention in the region can be seen, to begin with, from its broad adoption.

In this publication, we will present multidisciplinary studies on strategies, synergies and reflections around intangible cultural heritage (ICH) in countries in Latin America and the Caribbean. It is a collaborative work that has two immediate precedents. The first, a series of colloquia organized in June 2023 by the permanent Delegations of Brazil, Peru, Paraguay, and Panama, in the quality of representatives of the Group of Latin America and Caribbean Countries (GRULAC) in the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage.<sup>3</sup> The second, the International Forum on Safeguarding Intangible Cultural Heritage, organized by the Government of Peru, in October 2023, in Lima.<sup>4</sup>

With the aim of promoting fresh perspectives on intangible cultural heritage in the region, the seminars just mentioned were centred on three major areas: 1) contributions from the region to the implementation of the 2003 Convention; 2) the relation between intangible

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3 The activity was developed within the celebration of the 20th anniversary of the Convention on intangible cultural heritage during the Latin America and the Caribbean Week at UNESCO – SALC 2023, on June 21 and 22, 2023, in rooms IV and IX of UNESCO's headquarters, in Paris.

4 It was held from 19 to 21, 2023.

cultural heritage, tangible heritage, cultural diversity, memory, and identity; and 3) the relation between intangible heritage and environmental issues, collective rights, and sustainable development.

As a follow up to these debates, GRULAC invited its Member States to participate in the organization of a collective publication discussing the mentioned issues and, especially, how the agenda of the convention can be renewed in order to meet old and new challenges. This book, without ignoring the complexity and variety of cultural manifestations in Latin America and the Caribbean, highlights common challenges and convergent approaches for the protection of intangible heritage in the region, with the objective of promoting a better perception of regional experiences, priorities and perspectives.

The texts collected in this book intend to help us answer the following questions: what is the relation between intangible heritage, tangible heritage, cultural diversity, identity, memories, and human rights? What projects, programs and activities could be considered particularly successful and what is the potential of such good examples for replication in other contexts? What intangible cultural manifestations in the region need urgent safeguarding and how can such manifestations be protected? How to promote a more equitable geographic balance in the mechanisms of international recognition and protection of cultural heritage?

Over the past few years, countries in Latin America and the Caribbean have made investments education and public awareness, as well as in the development of political, legal and institutional frameworks for the protection of intangible heritage. Throughout the region, educational programs, especially in primary and secondary levels, now include topics related to intangible heritage. National inventories dedicated to intangible heritage have been created. Competent organizations to coordinate the implementation of the Convention have been designated. The first UNESCO category 2 centre dedicated to the safeguarding of the intangible heritage was established in the region. The Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America (CRESPIAL), created in 2008, in Peru, has 18 participating member countries.

At the international level, it is worth noting that countries from the region have inscribed approximately 90 elements to the different lists and registers created within the framework of the 2003 Convention. Such recognition efforts help raise awareness on the importance of intangible heritage and give additional weight to policies favouring dialogue and respect to cultural diversity in the region.

With this project, we hope to contribute to the following fields of study: intangible cultural heritage; Latin American and Caribbean cultural history; and international cultural relations in Latin America and the Caribbean. As a result of the open and continuous dialogue within GRULAC regarding cultural issues, this work counts with contributions dealing with different aspects of cultural heritage in the region.

The first part addresses the origins of the 2003 Convention and the participation of countries from Latin America and the Caribbean in its implementation. Yoselin Rodríguez highlights the preliminary discussions, the process of adopting and implementing the convention, the work carried out by CRESPIAL and the main challenges regarding the inclusion of historically marginalized communities in policies to promote intangible cultural heritage. Also in the first part, a former secretary of the 2003 Convention, Cécile Duvelle, in an interview, presents a critical view of the progress and obstacles to the full implementation of the convention's principles, warning about the risk of cultural objectification posed by excessive emphasis on its lists.

The necessary search for balance is precisely the central theme focused by Ambassador Paula Alves de Souza, from Brazil, who opens the second part of the book highlighting the risks of overvaluing the lists to the detriment of the Convention's main objective, which is to promote the safeguarding of intangible cultural heritage through cooperation between states. She calls attention to three major problems - the typological imbalance, the geographic imbalance, and the procedure imbalance – and suggests the need for initiatives aimed at renewing and updating the mechanisms of the convention. Also in the second part of this book, Ambassador Nancy de Gorostiaga, from Paraguay, emphasizes the importance of linking education and culture in order to achieve the objectives of the convention. In the following article, Veronica Ugarte, from CRESPIAL, comments on the role played by this centre in valuing cultural diversity in Latin America, by promoting regional and international cooperation, in line with sustainable development in its 18 member countries.

The third part of this book is composed by reflections produced by members of the UNESCO secretariat. Krista Pikkat discusses the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. She addresses the importance of this international instrument for the protection of peoples' memory, identity and cultural rights. Ernesto Ottone discusses the interdependence between intangible cultural heritage and tangible cultural heritage. He focuses on the synergies between the 1972 Convention for the Protection of the World Cultural and Natural Heritage and the 2003 Convention. Toussaint Tiendrebeogo, in turn, comments on the synergies between the 2003 and the 2005 Conventions, calling attention to the limits and complementarities of both instruments. Finally, after a brief assessment of the first 20 years of the Convention, Tim Curtis argues that living heritage, although threatened by a myriad of factors from demographic changes to environmental degradation, remains a powerful source of wellbeing and resilience, allowing communities to "pass on and share contextually appropriate solutions to contemporary global challenges".

The fourth part of the book presents national policies dedicated to intangible heritage implemented over the past 20 years. The contributions by Nerva Fondeur, from the Dominican Republic; Edaly Moreno and Carmen Hernández, from Mexico; Marina Lacerda,

from Brazil; and Pablo Palomino, from Peru, provide an insight into efforts to implement the convention in the region. The panorama given by the authors is rich and vibrant, and shows the vitality of intangible cultural heritage in Latin America and the Caribbean.

The relation between intangible heritage, identity and memory is addressed in the fourth part of the book. Antonio Pecci, from Paraguay, presents Guaranía and reveals that more than a musical genre, it is a true living expression of Paraguayan culture. For this reason, efforts are ongoing for the inscription of this musical genre into the Representative List of the Intangible Cultural Heritage of Humanity, following the example of the tango and, more recently, the chamamé. Hippolyte Sogbossi revisits Benin linguistic and cultural legacy in the Americas, looking for Dahomean or Ewé-Fon elements in Arará Santería, Vodun in Haiti, and Mina-Jeje Candomblé in Brazil. From Haiti, Ambassador Dominique Dupuy presents Cassava, a traditional preparation made from manioc flour, developed a thousand years ago on the fringes of the Amazon basin and presented for inscription into the Representative List of the Intangible Cultural Heritage of Humanity in 2023 as a multinational nomination.

From the province of Colon, Panama, Emma Gomez presents the experience of The Afro-Panamanian Memory Museum in Portobelo in preserving historical heritage and disseminating narratives based on the interpretation of the local communities, an example of good practice in safeguarding cultural heritage. In the next text, cultural rights are at the centre of the reflections presented by Humberto García and Eneida Hernández, stimulated by the work carried out by the Indigenous Arts Center, located in Totonac, in the eastern Mexican territory. The Centre, as the authors demonstrate, enforces the constitutional right of indigenous peoples to fully exercise their culture, their education, and the use of their language, strengthening social cohesion and promoting peace and regional development.

The issue of the environment and its relation with the intangible heritage is developed in the sixth part of this publication. Ángela Martínez Sanabria, from the indigenous Cabécar territory of Nairi-Awari, in Costa Rica, runs several projects with the help of her family. Some of them are closely related to safeguarding the intangible cultural heritage, as well as the protection of the environment, for example: a traditional artisanal project that can reduce the use of plastic; an initiative of traditional agriculture and cuisine, capable of combining healthy food and Cabécar culinary traditions; and, finally, an individual project of jewellery made with recycled and natural materials. In general, they look for the promotion of a balance between culture and environment. The sixth part of this book also presents a project carried out by Ilma Neri, an indigenous woman living in the city of Santa Isabel do Rio Negro, state of Amazonas, which aims to safeguard the traditional Agricultural System of the Upper Negro River Region, recognized in 2010 as part of the cultural heritage of Brazil. This traditional system of agriculture is shared by 23 indigenous peoples and has a major economic importance, helping with the fulfilment of food needs, while preserving the forest. The Munduruku People's Sacred Heritage is the subject of the following text, based on an

interview with representatives of the Association of Munduruku Wakoborün Women. The five indigenous women interviewed recounted various threats to their cultural heritage, developed around waterfalls and other places they consider sacred, caused by illegal gold mining and hydroelectric dam construction projects on the Tapajós River. They emphasize that cultural heritage, in this context, is closely linked to natural heritage, the defense of one requiring the protection of the other.

Luciana Carvalho's text closes this section, reinforcing the intertwining of natural and cultural heritage in the Brazilian Amazon. Addressing two mining contexts in the region and two demands for the patrimonialization of intangible cultural goods, she emphasizes that the intangible cultural heritage policies must not lose sight of the principles that guide the legal texts related to the topic in favor of technicality, both nationally and internationally. Therefore, it is necessary to consider the connection between heritage and cultural rights and the inclusion of such rights in the broader list of human rights.

Finally, the seventh part is dedicated to the study of binational and multinational projects on intangible heritage. The first refers to the *payada*, a musical expression characterized as a poetic challenge, common in Argentina and Uruguay, which was the subject of a binational project conceived to address an element already recognized as intangible cultural heritage of MERCOSUR in 2015 in the context of the health emergency caused by the covid pandemic. The second and final text in this collection deals with the Monument of Regional Integration and Cradle of Living Cultures, *Qhapaq Ñan*. Ambassador Silvia Alfaro, from Peru, presents the element – a road network built during several centuries by the Incas, who partially took advantage of existing pre-Inca infrastructures – and emphasizes its continuous role in the organization of space and society. This site was inscribed into the World Heritage List in 2014.

Bringing together such varied writings, this book will allow, first, a diagnosis on opportunities and challenges brought about by the Convention. At the same time, it provides a space for reflection on how to better articulate the protection of intangible heritage with issues such as climate change, sustainable development, native peoples, gender equality, fight against racial discrimination, fight against poverty, food sovereignty, peace and safety. It is also intended to explore synergies between intangible and tangible heritage, cultural diversity, and collective rights, in order to identify successful experiences and promote their replication or adaptation to local conditions, when possible. Finally, we hope this book will give greater visibility to the diversity and sophistication of intangible heritage in Latin America and the Caribbean, making clear the importance of traditional knowledge and practices for bearer communities throughout the region and for the sustainable development of our societies as a whole.



# 1

## **GRULAC and the origins of the 2003 Convention**

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# Studying the Past to Define the Future: Latin America and the Caribbean Leading on Intangible Cultural Heritage Issues

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Yoselin Rodriguez

The United Nations Educational, Scientific and Cultural Organization (UNESCO) was created by the international community immediately after the end of the Second World War, in November 1945. It is the only agency from the United Nations (UN) system with a specific mandate in the scope of culture.

This organization, playing an important role in international cultural relations, operates through conventions, recommendations and declarations that are ratified by its States Parties. Since its creation, the UN's cultural agency has adopted several international instruments, including six cultural conventions.<sup>1</sup>

The Caribbean and Latin America States actively participate in different programs created and supported by UNESCO since the creation of the organization. The region subscribes and shares the principles and goals of UNESCO. Latin America and the Caribbean have notable historical depth, plurality of origins, and highly diverse cultural manifestations.

The Latin American and Caribbean heritage is a testimony to the history and evolution of Amerindian communities and their encounter with other civilizations, especially after 1492, and includes varied cultural and natural heritages. This text intends to briefly draw up the participation of this region in the process of elaboration and implementation of the Convention adopted by UNESCO in 2003.

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1 The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its two Protocols (1954 and 1999); the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the 1972 Convention concerning the Protection of World Cultural and Natural Heritage; the 2001 Convention on the Protection of the Underwater Cultural Heritage; the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage; and the 2005 Convention on the Promotion of the Diversity of Cultural Expressions.

The first part of this document deals with preliminary discussions and initiatives that led to the adoption of the 2003 Convention on Intangible Cultural Heritage. The second section addresses adoption and implementation process of this international text in the region. Finally, the third part is dedicated to the work conducted by the Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America (CRESPIAL).

Thus, we will answer the question that guides this text: what has been the participation of Latin America and the Caribbean in the development and implementation of the Convention adopted by UNESCO in 2003?

### **Preliminary ideas on the patrimonialization of intangible cultural heritage at the international level (1973-2003)**

Folklore and intellectual property issues have been debated at UNESCO since the 1960s. Initially, the organization's interest was focused on developing countries particularly located in Africa. However, the difficulties of conception and definition of folklore as an object of protection made it impossible to adopt a text dedicated to this issue. Furthermore, during this period, the Latin American Council on Social Science (CLACSO) was established in the region<sup>2</sup>, while the International Congress on Folklore was organized in Buenos Aires, Argentina.<sup>3</sup>

During this international event, participants declared folklore as part of the cultural heritage from peoples. It was also conceived as an essence of human groups, whose expression acquires an anonymous, traditional and popular character that is part of the cultural heritage from peoples (International Congress on Folklore 1962). However, despite its importance, international organizations and most States had not given special attention to the issue. The idea of a worldwide coordinated program for protection of folklore would become a new subject at UNESCO, particularly from the early 1970s, when the topic was inscribed to the international agenda.

In 1973, Bolivia sent a letter followed by a memorandum to UNESCO expressing its concern about the need to establish an international instrument for protection of folklore and popular culture from different nations around the world. Such documents highlighted the gaps on the international intellectual property rights in the folkloric heritage field. At the same time, they denounced the commercialization of folklore.

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2 Its purpose was to promote the discussion, dissemination, and academic promotion of different social science fields.

3 The event was held from December 5 to 10, 1960.

Cultural manifestations, such as music, dances, artisanal works, etc., had become products for consumption. They were objects of appropriation, usurpation, looting and distortion. For this reason, Bolivia recommended to UNESCO the enforcement of the notion of public domain, particularly concerning music expressions. Popular music, for example, was exposed to arbitrary appropriation by people foreign to its creation. There was the risk that these people would claim copyright on creations that in fact did not belong to them. This situation, therefore, would constitute a distortion of popular music, which would be at risk of losing its anonymous or collective character.

Concerning folkloric dances, the existence of a non-spontaneous transfer process was also denounced. This would be equivalent to the appropriation of the culture from another people or a clandestine export of dances from one country to another. The concern indicated that these controversies could become an element of disagreement between peoples. However, for the Bolivian government folklore was an instrument of union and understanding based on its identification and correct indication of its origin.

Another issue of concern addressed the industrialization of traditional popular art techniques in the international market, without mentioning their origin. The denaturation of these products, which would represent financial incomes to large human groups, would deprive community's bearers of ancestral knowledges from these benefits.

According to Valdimar Hafstein, the genesis of these recommendations takes back to 1970. Bolivian authorities intended to protect "the most representative piece of Andean music," the song "El cóndor pasa" (Hafstein 2018). This is a musical composition created in 1913 by the Peruvian Daniel Alomía Robles. The Bolivian government had wrongfully claimed the authorship of this song. Interpreted by Paul Simon and Art Garfunkel, "El condór pasa" won a Grammy in 1970 and was also at the top of Billboard charts. In the opinion of the Bolivian government, the interpretation of this song by these two North-American artists was a clear example of "the most intense clandestine commercialization and export," as well as an example of "transculturation" (Hafstein 2018).

## **Studies and reflections on the safeguarding of the traditional and popular culture (1979-1989)**

Based on the recommendations made by Bolivia, the actions by UNESCO, between 1979 and 1985, were centered around the development of guidelines for protection of folklore.<sup>4</sup> Folklore was considered to be included in the scope of intellectual property. However, the studies followed two directions. It was decided to conduct a specific study on the adoption of measures to protect folklore creations and another global study about their safeguarding.

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4 With this goal and during this period, UNESCO and the World Intellectual Property Organization (WIPO) created several committees and work groups that held meetings in Paris and Geneva.

On the other hand, the World Conference on Cultural Policies (MONDIACULT) was organized in Mexico City in 1982.<sup>5</sup> This meeting highlighted the importance of national popular traditions. The Conference understood cultural heritage as a milestone and a matrix where both the deep identity of people and the continuity of its creative strength are rooted, located at the center of cultural action.

MONDIACULT proposed a new definition of cultural heritage, including “both tangible and intangible works through which the creativity of people finds expression: languages, rites, beliefs, historic places and monuments, literature, works of art, archives and libraries” (MONDIACULT 1982). The distinction that needed to exist between tangible cultural heritage and intangible cultural heritage was highlighted.<sup>6</sup> Furthermore, efforts were suggested with the purpose that the attention to monumental heritage does not predominate in the development of cultural policies or in the development of a budget targeted at culture.

The recommendations from MONDIACULT were examined during the first meeting of experts aimed at establishing a program about the intangible heritage at UNESCO, in 1983. The experts immediately agreed on two key recommendations. The first guideline revolved around the preservation of audiovisual heritage,<sup>7</sup> and the second one concerned to traditional cultural events.<sup>8</sup> These recommendations manifested concerns about the rapid disappearance of many cultural traditions and local languages.

The role of UNESCO was to advise Member States about the way to ensure the compilation and preservation of cultural traditions, without replacing local or regional initiatives. A new subprogram related to the “non-physical heritage” was established in 1983. It included an integrated action about intangible aspects of culture on a global scale. The organization was invited to take the necessary measures to create an international program for protection of the world’s cultural traditions.

This led to several studies and debates on the issue of folklore: its definition, protection at national and regional level, and the difficulties related to intellectual property rights regarding folkloric expressions. Finally, UNESCO adopted in 1989 the Recommendation on the Safeguarding of the Traditional and Popular Culture.<sup>9</sup> In this text, traditional and popular culture is considered very important because it is part of the universal heritage of humanity.

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5 MONDIACULT indicated a deep reflection on fundamental issues of culture in the contemporary world. Additionally, it encouraged the formulation of new directions that could strengthen the cultural dimension of general development and facilitate international cooperation.

6 The term “intangible cultural heritage” was used for the first time at MONDIACULT, 1982.

7 Recommendation number 63.

8 Recommendation number 64.

9 In some countries, communities and cultures, the term “folklore” has a pejorative meaning. For some researchers, this term is even shameful.

The Recommendation was included in UNESCO's regular action plan. The implementation of development programs for traditional and popular culture was also included, through international cooperation and cultural exchanges. Due to its non-binding nature, this text had very little impact. Likewise, there was a lack of provisions and incentives that could foster the enforcement of this instrument by Member States.

## **The Living Human Treasures programme in Latin America and the Caribbean (1993)**

New tendencies emerged in the 1990s. The relationship between humans' beings and their environment occupied an important place at UNESCO. During this period, the "anthropologization" of the notion of heritage began to solidify. Also, social-economic and geopolitical changes produced after the end of Cold War gained new importance for the States.

New programs related to intangible heritage were developed, such as the Living Human Treasures programme, established in 1993 and inspired by the system created in South Korea in the 1960s.<sup>10</sup> Similar systems had been created in Japan, Thailand, Philippines, Czech Republic, France, among other countries. These initiatives had also started in the 1960s, when industrialization and standardization of products threatened the disappearance of certain professions. Knowledges, know-how and artisanal techniques were at risk of disappearing.

The programme guidelines defined the intangible cultural heritage as "processes learned by people, as well as knowledges, skills and creativity they develop, the products they create, the resources, spaces and other aspects of the social and natural context necessary for their sustainability" (UNESCO 2002).

Such processes would spark a feeling of continuity between different generations. They would also be important to maintain their cultural identity, as well as to safeguard the cultural diversity and creativity of humanity (Rodriguez 2022). Among the expressions of intangible cultural heritage recognized in these guidelines, there are: languages, oral traditions, costumes, music, dance, rituals, feasts, traditional medicine, preparation and presentation of dishes, artisanal work, and architectural skills.

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10 The system created in South Korea had the goal of making an inventory on the forms of expression threatened by foreign domination. In the 1950s, Asian artistic creation was influenced by Americanized western culture. In this context, to prevent its disappearance, it was necessary to identify different expressions of intangible culture, their techniques and styles. Also, it was necessary to identify the individuals, the "bearers", to ensure the transmission of skills and knowledges on a particular art or technique. Despite its sophistication, this system was criticized especially because it would foster a possible artificial preservation of intangible culture, because its evolution is a natural fact.

The recognition and support from people who exemplify the highest level of skills and techniques as Living Human Treasures would be essential for preserving the intangible cultural heritage. This implied the identification, preservation, diffusion, protection, promotion and transmission of the necessary skills and techniques for the creation. A place was given in the definition of Living Human Treasures to artisan masters, artists, aesthetes and, finally, to individuals with perfect domain on a particular heritage field. For Ahmed Skounti, the main work of Member States consisted of establishing a rigorous and long-term inventory (Skounti 2005).

This programme did not have the expected impact in the Latin America and the Caribbean region. One of the possible explanations might be that its implementation involved financial and technical commitments for the States. However, in recent years, some countries in the region have given recognitions to personalities identified as Living Human Treasures. For example, in 2009 and 2011 the National Culture and Arts Council from Chile decided to grant this recognition to communities, groups and individuals honored and recognized by their peers. The following people were recognized as Living Human Treasures of Chile:

*Cristina Calderón, the last Yamana woman, from Puerto Williams, region of Magallanes; the Kawésqar community from Puerto Edén, region of Magallanes; María Angelina Parra, rural singer from Ñuble, region of Biobío; the Chino N.10 Fisherman Dance from Coquimbo; artisans from Crin de Rari, in the province of Linares, region of Maule; the Colla community from Jorquera river and its affluents, region of Atacama; Domingo Pontigo, poet and singer from Melipilla, metropolitan region; Paula Painén, mapuche narrator, from Padre Las Casas, region of Araucanía; the Group of Afro-descendant Elderlies “Julia Corvacho Ugarte”, region of Arica y Parinacota; rural cooperative of salt mine workers from Cúhuil, region of O’Higgins; the Negro dance from Lora, in Licantén, region of Maule; Alejandro González González, musician for the Cueca Carnival and the Alférez group, from Toconao, region of Antofagasta; Federico Pate Tuki, songwriter and interpreter of traditional music from Rapa Nui, region of Valparaíso; and Dominga Neculmán Mariqueo, Mapuche potter, region of Araucanía (Landa del Rio et al. 2011).*

Thus, Chile recognizes the strategic contribution and role that some groups and individuals have played in the continuity and existence of an element from the specific intangible cultural heritage. Also, with the goal of raising awareness and educating children about this program, the Digital National Library from Chile created, in partnership with the Ministry of Cultures, Arts and Heritage, a special website dedicated to Living Human Treasures.<sup>11</sup>

<sup>11</sup> Visit the website: “Chile para niños: Tesoros Humanos Vivos”, of the Digital National Library from Chile, <http://www.chileparaninos.gob.cl/639/w3-article-321211.html> [accessed on October 15, 2023].

Some Brazilian states, inspired by the Living Human Treasures programme, have designed similar systems. For example, in Southeast Brazil, the state of Minas Gerais established the title of Master in Arts. Also, the state of Ceará granted the title of Living Treasure to Getúlio Colares, bell ringer from the Basilica of San Francisco de Chagas de Canindé. The Federal University of Ceará also granted him the diploma of Master of Culture.

Other states, such as Pernambuco, Alagoas and Bahía, have issued recognitions, through decrees, to their Living Human Treasures. On the other hand, the Brazilian Historic and Artistic Heritage Institute (IPHAN), in its effort to safeguard knowledges related to capoeira, has caused, indirectly, the safeguarding of masters from this cultural event.<sup>12</sup>

Questions and concerns about the Living Human Treasures programme also arose in other countries of the region. In Cuba, for example, some researchers have tried to give information about the identification of Living Human Treasures, especially in the scientific community from the province of Cienfuegos. The aim was to manage the scientific knowledge from people, which evidently has heritage value.

In the framework of the programme Masterpieces of the Oral and Intangible Heritage of Humanity, adopted by UNESCO in the second half of the 1990s, new Living Human Treasures were indirectly recognized. This is the case of the itinerant healers from the Kallawayaya community. The Andean Cosmivision of the Kallawayaya was proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity in 2003.

The healers were recognized as the protagonists of the practice and transmission of their knowledges. These individuals practice medicinal techniques based on belief systems from indigenous people of the Andean region. They have extraordinary knowledge on the animal, mineral, and botanic pharmacopoeia and on a set of ritual knowledges closely related to religious beliefs.

## **Indigenous peoples and social movements: new actors in the international system**

UNESCO organized eight regional seminars to assess the application of the 1989 Recommendation, between 1995 and 1999. During these meetings, the importance of the traditional popular culture was discussed, both for the creation of the cultural identity of peoples and for the safeguarding of cultural diversity, especially due to globalization. There was also a concern about the exploitation of this heritage, lack of financing, absence of an archiving policy, lack of equipment and qualified personnel, among other issues.

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12 The document about preservation of capoeira explains that the knowledge on this cultural manifestation is transmitted from generation to generation. Capoeira masters have the traditional knowledges associated to this practice and transmit their knowledges to young students.

On the other hand, during this period, the UN proclaimed the First International Decade of the World's Indigenous People (1995-2004). In Latin America, texts addressing themes related to indigenous peoples were adopted. Some of them are the Declaration of Quito, the Declaration of Barbados III, the Declaration from the Laconda Jungle, the Agreements on identity and rights of indigenous peoples in Guatemala, the San Andrés Agreements, and the project American Declaration on the Rights of Indigenous Peoples.

Most of the national constitutions of Latin American countries included in their precepts the recognition to the rights of indigenous people, thus admitting the existence of a rich cultural diversity.<sup>13</sup> For Christian Gross, these constitutional reforms “were produced in a context [...] characterized by an acceleration of the globalization process and by the end of authoritarian regimes” (Gross 2003).

A set of experiences developed, particularly during the 1990s in different countries of the region, had significantly contributed to the understanding and deepening of actions in the field of traditional popular cultures. Some of these experiments had taken off in the framework of social movements. Others resulted from the progressive awareness on the value of indigenous cultures or cultural minorities and the multicultural composition of most national States.

Anthropologist Miguel A. Bartolomé explains that this recognition to Latin American indigenism resulted from an attempt by the government to integrate “indigenous peoples to an imaginary model of citizenship, which supposedly owned a so-called national identity” (Bartolomé 2009). However, indigenous peoples would turn into new political and social players in the region. The governments would see themselves forced to recognize the existence of a plural, diverse and multicultural society. These focuses would be opposed to the universalism cultural goals proclaimed by UNESCO since its beginnings.

Cultural diversity, then, is featured as the positive expression of a general goal that must be reached. This includes valuing and protecting the world's cultures against the danger of standardization. In this context, UNESCO created the programme “Masterpieces of the Oral and Intangible Heritage of Humanity,” in November 1997.

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13 Cletus Gregor Barié (2003) identifies three different groups of national constitutions that encompass the 21 Latin American countries. The first group would not address ethnic minorities: Belize, Chile, French Guyana, Suriname and Uruguay. The second group would give some specific protections to ethnic groups in an incomplete or poorly articulated legal framework: Costa Rica, El Salvador, Guyana and Honduras. The third group had developed a broad indigenous legislation in the constitutional level: Argentina, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela. See: Cletus Gregor Barié, *Pueblos indígenas y derechos constitucionales en América Latina: un panorama*, 2nd ed. updated and expanded, La Paz, Génesis [u.a.], 2003, p. 87, 548-550.

## **Masterpieces of the Oral and Intangible Heritage of Humanity (1997-2005)**

Spanish writer Juan Goytisolo and a group of Moroccan intellectuals took the initiative to organize an international consultation of experts about the preservation of popular cultural spaces, in June 1997. The international experts who participated in the consultation recommended the creation of an international distinction to be granted to the most notable examples of “oral heritage”.

Thus, the oral and intangible heritage had achieved international recognition as a vital factor for cultural identity, promotion of creativity, and preservation of cultural diversity. The effects from globalization had alerted about the possible disappearance of many forms of intangible heritage. Cultural standardization, armed conflicts, tourism, industrialization, rural exodus, migration, and environmental degradation put the intangible heritage in danger. Therefore, its preservation is essential to the development and harmonious interaction between cultures, nationally and internationally.

This programme aimed at encouraging governments, NGOs and local communities to execute actions to identify, preserve and promote their oral and intangible heritage, since it is the repository of the collective memory from peoples, which would ensure the sustainability of cultural specificities. The program was designed as a first immediate measure to raise awareness and highlight the diversity of intangible heritage around the world.

In 2001, a group of experts recommended to UNESCO the preparation of a new international normative instrument on safeguarding the intangible cultural heritage. Meanwhile, three proclamations of Masterpieces of the Oral and Intangible Heritage of Humanity were made, in 2001, 2003 and 2005. An international jury, gathering personalities from different origins, was in charge of evaluating and selecting the forms of expression and cultural spaces that should receive this recognition.

Four personalities from the region participated as judges. Among them, Antonio Augusto Arantes, Brazilian social anthropologist specialized in folkloric and popular cultures and president of the Brazilian Historical and Artistic Heritage Institute (IPHAN). Carlos Fuentes, accomplished Mexican diplomat and leftist intellectual, also participated. Another member of the jury was Zulma Yugar, traditional music singer and honorary president of the National Council on Popular and Traditional Cultures from Bolivia. Olivia Lewin, a Jamaican social anthropologist, musicologist, and professor, was also part of this selected group.

A total of 90 Masterpieces were proclaimed. Seventeen of these manifestations and cultural spaces are located in Latin America and the Caribbean;<sup>14</sup> two of them are multinational

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14 Fourteen countries in the region managed to proclaim Masterpieces of the Oral and Intangible Heritage of Humanity.

cultural expressions. On the other hand, Cuba and Jamaica were the only countries from the Caribbean subregion that achieved this recognition: the Tumba Francesa (Cuba) and the tradition from the Moore Town runaway slaves (Jamaica).

Among the cultural expressions proclaimed as Masterpieces, it is possible to identify: carnivals in Bolivia and Colombia; traditions in Costa Rica, Guatemala, Jamaica and Dominican Republic; dance and music in Cuba and Brazil; theater in Nicaragua; languages and oral manifestations in Belize, Guatemala, Honduras and Nicaragua; cultural events in Ecuador and Peru; indigenous feasts in Mexico; among others. Also, two cultural spaces were proclaimed, located in Colombia and the Dominican Republic.

One of the key components of the programme was the preparation assistance Member States could give for the elaboration of the nomination documents. The Executive Board invited the Director-General to request public or private sponsors to obtain off-budget resources for the programme. Such resources would be targeted at fostering the organization of different activities, including field work, research, development of inventories, and organization of seminars and workshops.

During the official visits made by Koichiro Matsuura, director-general of UNESCO, to South Korea and Bolivia, letters of intention were signed for the creation of an award to be given to winners proclaimed Masterpieces. Likewise, the United Arab Emirates supported the idea of creating an award on this theme. In June 2000, Japan made a donation in the form of trust funds.<sup>15</sup> This allowed granting financial help that could be given to several Member States and could go up to 20,000 dollars per country for preparing the files of nominations.

Finally, Bolivia, South Korea, United Arab Emirates and Uzbekistan created and financed awards with the goal of supporting the implementation of action plans for the safeguarding of Masterpieces of the Oral and Intangible Heritage of Humanity. For example, in 2005 the Arirang Award had Bhutan as its first winner, for the safeguarding and promotion of the mask dance of the drums from Drametse. The runner up was Mozambique, for the safeguarding and promotion of Chopi Timbila.

According to Janet Blake, the identification of Masterpieces had important issues. Among the biggest difficulties, there were deficiencies in the criteria for this identification of cultural expressions. Blake also criticized the creation of a trend to prioritize cultures, especially by the scientific community. On the other hand, the jury organized by UNESCO gave itself the representation of interests from heritage bearers, as well as from experts (Blake 2001).

Finally, UNESCO had not developed any definition of what the Masterpieces truly are. The organization had limited itself to differentiating two categories of intangible cultural heritage: popular or traditional forms of expression and cultural spaces. The latter were

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15 The Japanese trust funds for preservation and promotion of the intangible cultural heritage were created in 1993.

defined as places where popular and traditional activities are concentrated. The notion of heritage, then, became highly subjective and subjected to the criterion of parties responsible for selecting the documents that were proclaimed Masterpieces of Humanity.

## **Adoption and implementation of the 2003 Convention in Latin America and the Caribbean (2003-2023)**

After 30 years of meetings, discussions and negotiations, the Convention for the Safeguarding of the Intangible Cultural Heritage was finally adopted by UNESCO in 2003. Many advocates to this international instrument submit its adoption to a compensatory logic, which frequently is in line with certain simplistic conceptions about the geographic distribution of different types of heritage. This text was born from a response of the so-called countries “from the South”, which criticized the monumental and Eurocentric bias from the 1972 Convention for protection of the World Heritage, which ignores countless non-monumental cultural forms (Levi-Strauss et al. 2013).

The 2003 Convention was then created to re-balance the vicissitudes around heritage internationally. Thus, the notion on cultural heritage has broadened and currently includes both tangible and intangible heritage. It is worth reminding that the 1972 Convention classifies the marble and stone monuments found especially in the Western world. This text defines heritage in space terms and encompasses monuments, buildings or groups of buildings, sites, reserves, and natural parks.

On the other hand, the intangible heritage includes customs, knowledges, festivities, music, dance, among others. This assumes questioning the categories in which the beautiful, rare, authentic, etc., are based, to be able to open to non-Europeanist categories that are rarely connected to the hegemony of the bourgeois class. The notion of cultural heritage was born among political battles, ideological clashes, and public controversies (Beghain 2012). It is possible to say, then, that the intangible cultural heritage is the result from a political construction. Therefore, it would not be subscribed to a scientific category (Tornatore 2015).

## **Cultural diversity, multiculturalism, and intangible cultural heritage**

Latin America and the Caribbean are characterized by exceptional cultural diversity. A broad range of manifestations from different periods is expressed through the intangible heritage in the form of beliefs, rites, languages, music, and dances that animate material references. Called multicultural, this region is also a space united by common history. It is, in fact,

*an imaginary political community because its inhabitants, although frequently living thousands of miles away from each other, know that they are united by history, culture, religion, that they belong to the same family (Couffignal 2013).*

This multiculturalism gives rise to different forms of identity and legal requirements faced by the governments that want to decentralize to promote “good governance”. As mentioned, in the 1990s indigenous populations from Latin America organized to claim their cultural identity and reclaim the recognition of cultural diversity. On the other hand, many countries adopted the liberal multiculturalism in their Constitutions:

*As a result of the emergence of political indigenism, several Constitutions grant to ethnic minorities, in countries where they are present, a status that ensures to their members a specific citizenship, through recognition of multiculturalism (Coffignal 2013).*

The intensification of studies on protection of cultural diversity at UNESCO coincided with the recognition of multiculturalism in the region. It is worth highlighting that it is a liberal multiculturalism that intends to attenuate the effects from an imbalance between the dominating culture and the secondary cultures. When the Convention was adopted in 2003, intangible heritage was already an important theme in Latin America.

The region was particularly associated with cultural manifestations from indigenous peoples. The adoption of this Convention also coincided with the ascension to power of representatives from left-wing parties in several Latin American countries. Some had strong support from social community organizations that demanded the recognition of their rights and the promotion of their identity. These organizations largely determine the margin of political maneuver by governments.<sup>16</sup>

In this context, adopting the 2003 Convention was seen as an opportunity to claim the cultural identity of Latin American peoples and communities, both nationally and internationally. Latin American governments did not hesitate in participating in the process for developing, adopting, ratifying, and implementing this new international instrument.

## **Ratification and implementation**

The 2003 Convention achieved a record number of 52 ratifications in only 30 months since it was adopted. In terms of number of States Parties, it is only surpassed by the 1972 Convention.<sup>17</sup> In 2012, the 2003 Convention had 144 Member States, a figure the World Heritage Convention had taken 23 years to achieve. Thus, it has consolidated as one of the most successful international instruments in terms of cultural heritage. Currently, the 2003 Convention has 181 Party States, and 32 of them are in Latin America.<sup>18</sup>

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<sup>16</sup> Olivier Dabène states that, once elected to power, political parties usually maintain relations with social movements.

<sup>17</sup> On August 18, 2023, the 1972 Convention had 195 Party States.

<sup>18</sup> Guyana is the only country that has not yet adhered to the 2003 Convention.

The main goals of the 2003 Convention are included in its article 1: safeguarding, respect, awareness and mutual appreciation, and international assistance and cooperation. The States Parties of the region have made investments in institutions, education, awareness, and development of political frameworks for support. Nearly 80 competent organizations in charge of coordinating the implementation of the Convention have been designated. Currently, educational programmes include the intangible cultural heritage in most countries, especially in the primary and secondary levels. Forty national inventories have been developed, with over 11,000 elements registered (Duvelle 2023).

Concerning regional and international cooperation, 14 NGOs in the region have been accredited by the Intangible Heritage Committee. The representation of Latin America and the Caribbean in the governing bodies of the 2003 Convention has been important<sup>19</sup>. Ambassador Manuel Rodriguez Cuadros, former Permanent Delegate for Peru to UNESCO, chaired the General Assembly of the Convention. In 2014, he chaired the Intangible Heritage Committee.

Another three representatives from the region have also chaired the Committee. Diplomat Arley Gill, Ambassador of Granada to UNESCO, was the chair of the seventh session, in 2012. In 2019, the Committee session was organized in Bogota, Colombia and chaired by María Claudia López Sorzano, Secretary of Culture, Recreation and Sports from Bogota. In 2020, Olivia Grange, Minister of Culture, Gender, Entertainment and Sports from Jamaica, guided the Intangible Heritage Committee.

With the goal of taking appropriate safeguarding measures, 76 elements are inscribed in the Urgent Safeguarding List (USL). Eight elements are in the region: Chile, Colombia (2), Venezuela, Guatemala, Peru, and Brazil. A multinational element was inscribed by Colombia together with Venezuela. On the other hand, the Representative List (RL), created to ensure better visibility of the intangible heritage, to help raise awareness on its importance, and to favor dialog and respect to cultural diversity, has a total of 567 inscriptions. Twenty-two countries from the region have inscribed a total of 76 elements, five of which are multinational elements located in 11 countries of Latin America and the Caribbean. Also, the region has managed to register six Good Safeguarding Practices (RGSP): Venezuela, Colombia, Mexico, and Brazil (2). Bolivia, Chile, and Peru registered one practice as a group.

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19 Following the example from the Convention Concerning the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding of the Intangible Heritage includes the establishment of administrative or steering organizations. Its goal was to ensure its implementation. This international instrument is led by a General Assembly and an inter-government committee for the safeguarding of the intangible cultural heritage. The latter is generally known as "intangible heritage committee". Both have assistance from a Department provided by UNESCO and from "ad hoc consulting organizations", as well as from "subsidiary organizations" necessary to execute the work from steering organizations. In 2015, an "assessment organization" was to be created.

The 33 countries of the region have benefited from international assistance. Since 2002, 49 projects have been put into practice, for a total of 6,194,534 dollars. These projects had different goals, such as the development of capacities for implementation of the Convention in national, regional, and local levels; development of national policies related to the intangible cultural heritage; safeguarding and transmission of knowledges and know-how; elaboration of inventories, documentation, education, TIC; and in specific contexts, such as disasters, conflicts, resilience, reconciliation, and crisis situations (Duvelle, 2023).

Since the adoption, the Convention Secretary was under the responsibility of the Dutch ethnolinguistic Rieks Smeets (2003-2008), the French anthropologist Cécile Duvelle (2008-2015), and the Australian anthropologist Tim Curtis (2016-2023).

### **Regional Centre for the Safeguarding of the Intangible Heritage from Latin America – CRESPIAL (2006-2023)**

UNESCO is present in the region through its field offices, established in different Member States.<sup>20</sup> In the late 1980s and early 1990s, the subject of decentralization became a particularly important aspect of UNESCO's policy. The organization decided to establish Category 1 Institutes and Centres which are an integral part of UNESCO. It was also decided to create Category 2 Centres and Institutes, which are under the auspices of UNESCO but are not legally part of the organization. However, they also contribute to the execution of UNESCO's programmes. As of the 2000s, Category 2 Centres dedicated to intangible heritage were created under the auspices of UNESCO.

The Regional Centre for the Safeguarding of the Intangible Cultural Heritage from Latin America (CRESPIAL) was established in 2006 in Cuzco, Peru, and started operating in 2008.<sup>21</sup> Its creation was an important step for the implementation of the 2003 Convention, especially taking into account the recognition of the intangible cultural heritage as an essential factor for safeguarding the cultural diversity of the region. CRESPIAL is a Centre with international reach. Currently, it has 18 Member States and operates through an Administrative Council (CAD) and an Executive Board (COE) that are assisted by a secretary. These organs define and approve the Centre's strategic, operational and programmatic lines.

For Noriko Aikawa-Faure, former UNESCO employee, with the creation of CRESPIAL the region retrieved its leadership position in the culture field. Just as the region had done in the past, during the organization of MONDIACULT in 1982 and then, during the organization of the Bogota Conference about Cultural Policies for Latin America and the Caribbean, in 1978 (Rodriguez 2022). CRESPIAL has been used as an example for other regions, such as Africa, Asia-Pacific and Europe, which immediately after established other Category 2 Centres

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<sup>20</sup> This includes national, multinational and regional offices.

<sup>21</sup> This is the first Centre dedicated to safeguarding the intangible cultural heritage created in the world.

dedicated to the intangible cultural heritage.

The agreement signed in 2006 between the Peruvian government and UNESCO was renewed in 2014, after the evaluation made at the Centre by Angélica Arbulú as part of the renewal process. This evaluation process allowed to prove that CRESPIAL has managed to consolidate a position of respect that is highly appreciated by the Member States of the region (Arbulú 2014). According to the evaluation, the Centre's Member States especially appreciate its ability to promote coordination, exchange and dissemination of the intangible cultural heritage between countries. This allowed greater cooperation and consistency, both at the conceptual and public policies levels for the safeguarding of the intangible cultural heritage.

The Centre's department is managed by a director-general. Peruvian historian Jaime Urrutia Ceruti was its first director, between 2007 and 2011. He was replaced in 2012 by Peruvian anthropologist Fernando Villafuerte Medina, who occupied this position until 2016. Colombian anthropologist Adriana Molano was also director of CRESPIAL, between 2017 and 2020. In 2023, CAD elected the new director-general for the period 2024-2027: the Peruvian public and cultural manager Owan Lay González.

The Centre is financed by the Peruvian government, which contributes with 500,000 dollars a year. This financial commitment is renewed every six years. On the other hand, in addition to the ordinary contribution from each focal point, some Member States have also made voluntary financial contributions since 2010.<sup>22</sup> These funds contribute to the hosting of meetings, workshops, seminars, as well as to the development of multinational projects.

CRESPIAL maintains four programmatic lines of work: multinational projects; promotion and awareness about intangible cultural heritage; networks and training for institutional strengthening; and strategic alliances for the institutional continuity of the intangible cultural heritage.

## **Multinational projects**

Among the multinational projects executed to this date by CRESPIAL, there is the safeguarding of the intangible cultural heritage of Guarani communities. The project had participation from five countries in the region: Argentina, Bolivia, Brazil, Paraguay and Uruguay. For Brazil, this project should aim to become a regional integration strategy. Safeguarding the intangible cultural heritage related to music, singing and dance from Afro-descendant communities is another project implemented by the Centre. Initially, it was proposed by Bolivia, Brazil, Colombia and Peru. Currently, all CRESPIAL Member States participate in the project.

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22 For example, according to the execution report from January 2014 to June 2015, the total sum of contributions from Member States expected for the biennial 2014/2015 was of up to 1,070,297.08 dollars. This included contributions from eight Member States.

The multinational projects for the safeguarding of the intangible cultural heritage of Aymara communities from Bolivia, Chile and Peru was included in the annual operation plan from CRESPIAL in 2008. In the same year, UNESCO approved the granting of 7,500 dollars in financing, requested by the concerned States, for the development of the three-nation document “Cultural Aymara Universe”. The financing was granted in the preparatory assistance modality, with the goal of presenting the request for subscribing to this project in one of the mechanisms created in the framework of the 2003 Convention. In 2009, the file was registered as a Good Intangible Heritage Safeguarding Practice at UNESCO.

## **Promotion and awareness about intangible cultural heritage**

Since its creation, CRESPIAL has aimed at promoting and raising awareness about the safeguarding of the intangible cultural heritage in the region. This implied the participation from different players from the Latin American civil society. Among them, it included the participation of bearers of the intangible cultural heritage, communities, researchers, students, cultural agents, among others. The Centre also planned the development of strategies related to investigation, research, promotion, valuation and transmission of the cultural heritage, within the framework of the Convention adopted by UNESCO in 2003.

By being between the programmatic lines forecast since 2006 and included in the Centre’s first operational plan, in 2008 several activities were organized within the framework of this programme. For example, photo and video contests, as well as the launch of calls related to photographic and audiovisual registrations of the region’s intangible cultural heritage. The goal was to create a photo and video database (BFV). On the other hand, CRESPIAL created competitive funds to finance projects for safeguarding of the intangible cultural heritage.

Also, workshops about the creation of plans for safeguarding the intangible cultural heritage were organized. Another initiative held in this programmatic line was the creation of the website CRESPIAL and the creation of contents for the center’s social media channels: YouTube, Twitter, Facebook and others.

## **Networks and training for the institutional strengthening**

The creation of networks and capabilities was directly in line with the strategic goals of UNESCO. However, it was one of the most important points of disagreement between CRESPIAL and UNESCO, in terms of both content and form. This programmatic line was centered around strengthening the technical capabilities of experts and institutions from the Centre’s Member States. This line is implemented through the organization of courses, workshops, virtual, in-person or hybrid training.

As a result, it contributed to regional cooperation, by promoting community participation, as a condition that favored the safeguarding of the intangible cultural heritage, as well as cultural governance. Since 2008, CRESPIAL has organized over 50 courses for formation in different areas. They were planned together with the focal points, as well as with other regional and national institutions that work in projects related to the safeguarding of the intangible cultural heritage. These courses and training are targeted especially at public officials, cultural managers, promoters of cultural events, teachers and researchers.

In 2015, CRESPIAL, along with the category 2 Centre Lucio Costa (Brazil) and the Intangible Heritage Department (DPI) from IPHAN, organized a virtual training course in Intangible cultural heritage management. The course had the goal of promoting the strengthening of intangible heritage management capabilities in all CRESPIAL Member States and in Portuguese-speaking countries from other parts of the world.

In general, and due to the internal policies from Member States, these formation courses favored access from public officials. There was criticism about this programmatic line. It focused on the contents and training which, according to the evaluation conducted by Arbulú, did not match exactly with the guidelines of the 2003 Convention. In fact, the main advantage of this programmatic line corresponded to specific needs from the region.

## **Strategic alliances for the institutional continuity of the intangible cultural heritage**

Creating, strengthening, and consolidating strategic alliances in local, national, regional and international scale was one of the main goals of CRESPIAL. Through this programmatic line, the CRESPIAL aimed at consolidating institutionally as a Centre for the safeguarding of the intangible cultural heritage. This line aimed at promoting the cooperation and creating synergy between institutions dedicated to the intangible heritage. It also intended to maintain relations with the intangible cultural heritage committee from UNESCO. In this sense, one of the main goals pointed at strengthening the relations with UNESCO.<sup>23</sup>

Nonetheless, relations between CRESPIAL and UNESCO remain limited to the participation of the Centre's representatives in the organization's formal meetings. To date, it is not possible to observe any type of strategic or programmatic collaboration between these two organizations. On the other hand, the relation between CRESPIAL and its Member States has been satisfactory, both politically and technically.<sup>24</sup>

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23 The biennial report on execution 2014/2015 also mentioned that one of its priorities was to improve its relations with this organization. For this goal, the director-general of CRESPIAL would attend meetings organized in the framework of the 2003 Convention. Also, representatives from the Centre would participate in different international forums where their activities related to this Convention would be developed, and, finally, its Executive Department would stay in Cuzco.

24 In 2013, ministries of Foreign Affairs and cultural authorities from CRESPIAL Member States sent letters respectively to UNESCO and to the Ministry of Culture from Peru, manifesting their appreciation for CRESPIAL and their interest in its continuity.

The participation of CRESPIAL Member States in activities held by the Centre and in the development of bilateral agreements within the framework of the programmatic line contributes to South-South cooperation. Also, they place CRESPIAL in a privileged position at global scale in the cultural scenario, especially in the sphere of intangible cultural heritage. The Centre also organizes different activities with other institutions.

## **Final remarks**

The participation of Latin America and the Caribbean in the process of adopting and implementing the 2003 Convention has definitely been very important. The region has been a key component in the reflections that led to the broadening of the notion of cultural heritage at UNESCO. The Latin America and the Caribbean contribution is included in a global-scale transformation phenomenon intended to fight the risks of cultural standardization, as well as other threats related to globalization. Thus, indigenous peoples and social movements became players in the international system and their needs influenced the transformations of the international agenda.

The economic, political processes and historical transformations occurring in the region have influenced the policies and programmes developed in UNESCO. It is worth reminding that the multilateral relations of the organization Member States are established under its auspices. UNESCO is also a favorable platform for establishing or strengthening bilateral relations between its Member States in the multilateral context. The organization has acknowledged and broad prestige in themes related to protection and safeguarding of the heritage, both in times of peace and in times of war. However, the growing process of politicization by UNESCO remains concerning for many.

Due to its multilateral nature, politicization, to a point, is definitely inevitable. Since the Convention adoption, in 2003, there was fear of politicization of its agenda. Currently, we can confirm that this international text has not escaped this issue. Culture is an essential element from any foreign policy. The foreign policy from the countries is rooted in the need to protect, and the national defense of a country starts first with protecting its heritage. Negotiations for taking a seat in the intergovernmental committee and the competitions for inscribing elements in the different lists jeopardize the nature of the 2003 Convention, which is to safeguard the heritage from different communities around the world.

Nonetheless, the region's countries have created, at their own pace and according to their capacities, the necessary mechanisms to ensure and guarantee the safeguarding of the intangible heritage, both nationally and internationally. International cultural cooperation is also at the center of this instrument. The Caribbean and Latin America countries have contributed to building this new collaborative scenario on the international level. CRESPIAL corroborates this statement. This Centre gathers an important number of countries that work together in the safeguarding of their intangible heritages.

In the current period of important global transformations and agitations, communities from the region could benefit from advantages related to the safeguarding of their intangible cultural heritage. This heritage is closely related to sustainable development, climate change, gender equality, formal and non-formal education, the fight against racial discrimination, the recognition of cultural diversity, and the reaffirmation of cultural identity.

For this reason, it is imperative and urgent that the national cultural policies and the foreign cultural policies implement elements that benefit these communities, especially the Native American and African-American communities that have been neglected for many years. The main challenge may be to find a way where communities become the protagonists both in the implementation of these policies and in the safeguarding of their heritage.

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# Interview with Cécile Duvelle, Former Secretary of the 2003 Convention<sup>25</sup>

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## Biography

Cécile Duvelle, cultural anthropologist, worked at UNESCO for almost thirty years. Between 1999 and 2008, she was responsible for monitoring cultural issues in the Executive Office of the Director-General. She closely followed the process of drawing up and negotiating several standard-setting instruments in the field of culture, in particular the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. She was subsequently Chief of UNESCO's Intangible Heritage Unit and Secretary of the Convention for the Safeguarding of the Intangible Cultural Heritage, from 2008 to 2015.

## The beginnings of a long career

### *What was your involvement and participation in the 2003 Convention?*

My father was an ethnomusicologist. It was a profession that didn't exist much at the time. He collected traditional music from around the world. He has worked extensively in Africa. So, he obviously immersed me in the world of different cultures, which I found normal. And when I started studying in France, I obviously found that France was a bit of a narrow cultural world. When you aren't aware of cultural diversity, you think your culture is the norm and others are strange, not to say foreign.

On the contrary, I thought – and still think – that trying to understand and penetrate cultures other than my own only enriches me. Thus, I was drawn to it, and the subject you learn in these cases is cultural anthropology. In other words, the study of cultures with a non-paternalistic vision that is highly respectful of the internal logic of all cultures. So, I had done those studies.

Well, I was 20. And I finished my studies in Paris, at the Sorbonne, with some extraordinary professors, including Georges Ballandier, who talked about the sociology of Black Africa. He refused to do ethnology. It's a subject that was perhaps a little paternalistic towards others. He preferred to study sociology. So, I was ultimately influenced by teachers who taught me that all cultures were equal and there was no such thing as a superior or inferior culture. I was taught that they had an inner genius that had to be decoded to discover their richness. And yet, at the time, there was no talk of intangible heritage at all.

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<sup>25</sup> Interview conducted by Yoselin Rodriguez, Paris, 16 October 2023.

Then I had to work a bit during my studies to earn some money. As it happened, I was put in touch with a publishing house that was working on African legal systems. They needed a coordinator. I was able to do this work in parallel to my studies. This organisation worked with an African publishing house called *Nouvelles Éditions Africaines*, and at the same time with a French publishing house that had joined forces to produce a major legal encyclopaedia on Africa.

At the end of the encyclopaedia project, the director of *Nouvelles Éditions Africaines* was appointed director of UNESCO Publishing. Having been very satisfied with the work I had done with him, he then asked me to work with UNESCO. I started working freelance. One day, a job came up that really matched my profile. I applied. That's how I came to join UNESCO.

It was in 1992 that I officially joined UNESCO. But, in reality, I had already started freelancing in 1982. I've been involved in several cross-cutting issues. I've acquired a very broad general knowledge of UNESCO, because when you work on UNESCO publications, you work on all the organisation's subjects.

In 1999, Mr Koïchiro Matsuura<sup>26</sup> became head of the organisation. However, I didn't know him at all. That same year, Françoise Rivière, his Chief of Staff, invited me to join the Cabinet to work on drafting the Director-General's speeches – in French. She knew me because I had taken part in a working group under her responsibility. But very quickly, everyone realizes that, in terms of culture, I know a lot. My education, my African experience, allowed me to properly follow and understand the issues around cultural diversity, which at the time were very important and that finally resulted in the 2001 Declaration on Cultural Diversity.

So very quickly, the Director-General also asked me to look after issues concerning the cultural sector in his office. In the meantime, I had met my husband, who was Italian, so I spoke a little Italian. I didn't really speak Spanish, but with Italian and French, I had a somewhat passive understanding of Spanish. The Director-General also asked me to accompany him, not only on his cultural trips, but also in Latin America. In fact, I accompanied almost all the Director-General's trips to Latin America. I was with him.

That's how I came into contact with the 2003 Convention. I would remind you that Mr Matsuura, before being elected Director-General, was the Chairman of the World Heritage Committee. As soon as he arrived, he wondered about UNESCO's involvement and interest in intangible heritage. Why does UNESCO only deal with tangible heritage? Being Japanese, this seemed completely abnormal to him. That's how I came to accompany him to more than 80 countries around the world. We had major cultural meetings in China, Japan, and Africa.

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26 Koïchiro Matsuura is a Japanese diplomat. In 1994, he was appointed Japanese ambassador to France. He held this position until 1999. He was then appointed Director-General of UNESCO and completed two terms of office (1999-2009).

He took these opportunities to talk about the new Convention all the time, either at the time of the intergovernmental negotiations, or afterwards, to get countries to ratify it, and then to support it, and implement it, and so on. He was a true defender of this Convention. I was happy because in the end it was my favourite topic. I found peace of mind working on this project, which was the most important, one of the most important for him. Of course, we mustn't forget that he also brought back the United States.

But if you ask him what his greatest success is, he'll tell you it's this Convention, because it's his absolute legacy. That's how I got involved in the development of the Declaration on Cultural Diversity [2001]. It opened the door to intangible heritage. I then set to work developing the intergovernmental meetings that made it possible, finally, to hold the intergovernmental meetings that led to the drafting of the Convention. Mr Matsuura was very active, but he wasn't the one taking part in the meetings. I was the one who attended. I gave him little reports. He'd tell me what he thought, and I'd go back the other way, and so on. So, I really got to know the work you all do at your level, with your States. The Convention was finally adopted in 2003. At the time, it was the Japanese Noriko Aikawa, who was the director of the division dealing with intangible heritage.<sup>27</sup>

It wasn't Mr Matsuura who nominated her at all. She was there before since the time of Federico Mayor<sup>28</sup>. She was involved throughout the process of drawing up the Convention. It was very practical because Japanese people understood each other very well. Mr Matsuura, for his part, was a follower, had opinions, and really put his intellectual weight behind drawing up this Convention.

## **The first years of the Convention**

### ***What role did you play in the implementation process?***

Rieks Smeets was the Convention's first secretary between 2003 and 2008. During this initial period, it first had to be ratified by the States so that it could become operational. Twenty States had to ratify it. This number was reached in 2006. Then, between 2006 and 2008, the first operational guidelines had to be drawn up. Once the Convention existed, it had to have rules.

Rieks Smeets was also responsible for drafting the first operational guidelines. In June 2008, they were adopted and enabled the Committee to function as an intergovernmental body. At that time, there had not yet been any nominations, as the directives had just been adopted in June. The only thing to do in October was to incorporate the Masterpieces.<sup>29</sup> So I arrived a week before the meeting of this Committee.

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27 She developed the intangible heritage programme and, as head and director, oversaw the process of adopting the Convention.

28 He headed UNESCO from 1987 to 1999.

29 The Masterpieces of the Oral and Intangible Heritage of Humanity programme was established by UNESCO in 1997. Three proclamations were made in 2001, 2003 and 2005.

It was in Turkey, in 2008, where we integrated the 90 Masterpieces into the Representative List (RL). And from then on, in the first year, there was a special timetable so that applicants didn't have to wait eighteen months for something to happen the following year. The timetable has been shortened slightly. It was absolutely atrocious because I think we had 111 nominations to the RL. We didn't know what to do with it. The poor subsidiary body worked day and night.

There was a body and there were also independent experts for the part concerning the Urgent Safeguarding List (USL). I remember that there were difficulties, because we realised that the independent experts were extremely exposed politically since we knew their names. We took two experts per application. But nevertheless, they gave their opinion, which sometimes wasn't necessarily to the liking of the state that had submitted the application. So, we realised straight away that the system we had put in place couldn't work because there was no anonymity. We quickly realised that we needed something more anonymous.

As well as the members of the subsidiary body, which at the time was made up of six of the twenty-four members of the committee. We knew who they were, but we didn't know who thought what. And so, in fact, they were giving advice. Unanimous. All six. In fact, even if someone had disagreed, there was no way of knowing. And there was still a certain amount of protection.

There have been changes every year. Either in relation to the number of possible nominations, the priorities, who was going to examine what, etc. In fact, the Convention, as an instrument, is very, very much alive. You may say it's twenty years old, but in fact it hasn't been implemented for twenty years, it's been implemented for seventeen. Over these years, the States have evolved enormously. Initially, there was a lot of misunderstanding about what intangible heritage could be. Today, I'm not saying that everything is perfect, but things are finally becoming clearer.

There was a lot of reluctance at first. At the time of the intergovernmental, this was not at all a given, this story of intangible heritage was considered a little vague. Moreover, there was a form of criticism of the world of intangible heritage, which continues to exist, and which is in fact governed by recognised, precise, respected and historically based expertise, etc. Suddenly, a category of heritage was introduced, but there were no experts who could validate it, and there was no real definition of what it was and what it was not. It was all very subjective, deciding whether or not it was.

It was all a bit worrying. Within UNESCO itself, internally, in the world of the cultural sector itself, there was a clear form of scepticism, which I'm not saying has completely disappeared. At last, I think things are starting to sink in a bit. Someone with no anthropological or ethnological training couldn't understand what we were talking about and feared that anything was possible. Anything and everything becomes potentially intangible heritage, with the lack of seriousness

that this could cause. Why all this? Because the reference, and unfortunately the reference that continues to be the one that people think of, was the World Heritage reference.

## **Revealing why heritage matters**

If you think about it, it's a very special concept to think that, universally, the universe can decide to assign a value to something, as if value were not a cultural dimension. There are very few things that are universal in values, in fact, when you think about cultures and get to know them. I think that this exceptional universal value exists to a great extent because the framework for drawing up the 1972 Convention was a Western culture. It is the very reality of the over-representation of the Western world in the staff of the United Nations that is causing the problem, without people being aware of it. In fact, it's a form of perception and conception of things that are somewhat oriented towards Western values. And this 2003 Convention, in my opinion, is the first to break this mold.

All values are equal. All cultures are equal. And in fact, we have fundamentally reversed the reason for heritage.

In my opinion, why heritage in the 1972 Convention? The answer is because it's beautiful, it's universally recognised as beautiful, and so it must be preserved for future generations. For the 2003 Convention, why heritage? Because it's good for me, my heritage is good for me. It allows me to feel connected to my own history, and to give my children the opportunity to be connected to that history. It also helps to fuel my imagination so I can project myself into a happy future.

And that's it. It's not the same objective at all, in fact. I'd say that the 2003 Convention is more focused on the community behind it, because that's where it's going to do the best. Well, for me personally, it's interesting to know that in Bolivia there's a procession that does this and that, but to say that it does me good is wrong. It interests me and enriches my general knowledge. But it doesn't speak to me emotionally. But when my own heritage, what I practiced as a child, what I heard, what I ate, what I smelt, etc., when it's offered to me again or saved for me, etc., then something much stronger happens. It's not interest, it's existence.

## **The spirit of the LAC representatives during the process of adopting the convention**

*What was the spirit of the experts and diplomats from the region who took part in the process of adopting this text? How were they involved in the adoption process? Do you have any idea of their expectations?*

Latin America had a very clear understanding of what intangible heritage is. The region, and Brazil in particular, was an extremely powerful force in the development of the Convention. I would say that Latin America was completely behind it and had no reservations, so to speak, about the spirit, about the fact that the communities were at the heart, should be the centre. In Latin America, I found allies.

There was Cecília Londres Fonseca<sup>30</sup>, who was the Brazilian expert and was very active and had an absolutely perfect understanding of the spirit of the Convention. Brazil already had considerable experience of intangible heritage even before the Convention came into force. It had already established mechanisms dedicated to intangible heritage in the early 2000s<sup>31</sup>.

Similarly, the Mexican anthropologist Lourdes Arizpe, who was UNESCO's Assistant Director-General for Culture of UNESCO [1994-1998], had a perfect understanding of the subject. On the other hand, the Peruvian Soledad Mujica was a pillar of education for the others [her colleagues]. She had a voice that could explain to people from other regions what they couldn't understand. Sometimes it seemed that the secretariat had an agenda that didn't exist elsewhere, but that didn't matter. And so, the role of certain delegates within the group of delegates was very important.

And I know that many Latin American experts played an extremely positive and constructive role in moving the Convention in the right direction. Because these were people who also worked with the communities. They had very, very solid experience in the field.

That's the whole point of representation, normally, in the Convention. States are represented by experts in the field of intangible heritage. This is not always the case. Sometimes diplomats take the floor. And since States are sovereign, we can't discuss how the state decides to be represented. But it was clear that we understood each other much better with experts than with diplomats. They themselves had another agenda, often political, because that's their job. In the end, it interfered in areas that are not exactly and totally in harmony with the objective of the Convention.

## Successes and failures of the Convention

*Could you mention the most important successes achieved by State Parties implementing the Convention in the region? Do you think there have been any failures? Which ones?*

For me, the Convention is really 90% national work and 10% international work. International work is important. I don't think we'd be talking about the Convention and intangible heritage in the way we are today if it hadn't been for the inscriptions. So, I don't deny that it's a necessary evil and that it has brought visibility, which in turn has generated interest at national level, which in turn has probably enabled it to mobilise funds, interest, and so on.

But the biggest workload is still at national level because safeguarding is done at national level. Inscription never saved anything. On the other hand, a safeguarding plan, an inventory, legislative measures, all of these are feasible. And Latin America has shown that it

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30 Maria Cecília Londres Fonseca represented Brazil during the preparation of the UNESCO Convention for the Safeguarding of Cultural Heritage (2002-2003) and the first Intergovernmental Committee for Intangible Heritage (2006-2008).

31 The National Intangible Heritage Programme and the Register of Intangible Cultural Assets were created within IPHAN, Decree No. 3,551.

can do it. There are many countries, not necessarily all, but many that have made considerable progress. And when we see the regional report recently submitted by the LAC region, we see to what extent this Convention has taken on the reality of these countries. Which is not necessarily the case in other regions.

I imagine that in your countries, you think that's not enough. Because it's never enough for intangible heritage.

## **Expectations regarding implementation of the Convention**

*Do you think there have been any disappointments on the part of States, communities, etc., in this implementation process? Were they expecting something more?*

I'm sure the experts are still expecting something more because the experts can see that the situation is deteriorating. They see populations, elements of intangible heritage that are disappearing or almost disappearing, communities with no more than 40 speakers of a language, and it's obvious that all their heritage is going to disappear with their language. So that's the pain of working in these areas. But on the other hand, as I often say, intangible heritage is a bit like a living body.

And in the living body, you lose your hair, you lose bits of skin and so on. It regenerates, but not all of it, because after a while you die. Intangible heritage is like that, you must accept that it will disappear. This is not necessarily accepted in the field of tangible heritage, where it may be considered that once the Parthenon has been discovered, for example, it will never die. So, we're going to keep it, we're going to preserve it like that, and each generation will make sure it isn't destroyed.

And maybe that will be true, except at the end of the world. Intangible heritage, on the other hand, is different. It's impossible for all intangible heritage to endure forever, even with safeguarding measures. Because at some point, there may be a heritage that has outlived its usefulness, that no longer has any legitimacy to exist, and so nobody wants to carry it. Thus, we can write books about it, we can make exhibitions, museums, whatever we want. But in people's lives, there are things that disappear every day and have to disappear.

I would say that the continent can consider itself a relatively good pupil when it comes to implementing the Convention. Not all countries, but many can be considered as examples to follow. I think there was a little euphoria with the story of inscriptions. Because it's true, it was something incredible, so there were parties everywhere. I remember, at UNESCO headquarters, there were times when they were everywhere, because they were happening in room one or wherever. Really, it was something effervescent.

But it's an excitement that can't last. You can't be in euphoric over-excitement all day. On the other hand, when it comes to policy, once it's done, it's done. Policies exist. Everything that involves integration into the school curriculum, casually, once it's done, it's done, and it can only instil spirits and shape new generations.

So, it's actually less spectacular. It's probably less euphoric. But it's very important because it's the whole fabric of support that will ensure that intangible heritage, not this particular element, finds its place in society and in the sustainable development of communities. And for me, that's the real purpose of this Convention. The story of the inscriptions probably frustrates a lot. I know, because now there are restrictions, we can't do inscriptions every year. This has created many problems within and between States, especially political problems. Decisions have to be made, and we ask ourselves why to choose this element when there are others.

## Problems with the lists

*Have the lists become a problem? According to some authors, the 2003 Convention was adopted in order to create a certain balance of representation in the world. Especially because for years, particularly in the 1990s, there was concern about the over-representation of Europe, which accounted for almost 50% of inscriptions on the World Heritage List. Now, looking at the lists, there isn't really the balance that we expected, that we were talking about at the time.*

Personally, I'd say that the Representative List [of intangible heritage] has achieved its goal, that's it, everyone has understood. We realized that there were thousands, thousands, millions of expressions of intangible heritage. Perhaps we could calm down and get down to business. We sometimes see a tendency to trivialize this list. It's a concern we have.

The 1972 Convention had a very Western concept of monumental heritage. It considered that heritage was physical monumental heritage, even if there was also natural heritage. But essentially, listed properties are monumental and physical elements. However, the expression of culture could not be reduced to that.

For this reason, we wanted to create another convention to deal with heritage that was not of this nature. But that didn't mean balancing lists, it meant balancing recognition of cultural diversity and heritage. And when it came to monumental heritage, it was clear that cultures, particularly African ones, were not being taken into account. Imagine the pygmies, what monuments are you going to talk to them about? They don't have monuments, they build houses, tear them down every 15 days and move on.

They were excluded from the system because they didn't have a monumental system. But if we started talking about living culture and intangible heritage, they had a lot to put on the table. Just like everyone else, because there is intangible heritage absolutely everywhere. The intangible heritage category was put forward to counterbalance the over-representation of Western heritage, which was due to the fact that we were talking about a heritage that was mainly present in Europe. Although it exists elsewhere, it is especially over-represented in Europe. Of course, because it was the Europeans who drew up the 1972 Convention.

They were thinking about the heritage they know, it was not a bad intention. It's not that they're bad. It's logical, really. Now, as far as the intangible heritage category is concerned,

for me the fatal mistake is the lists. In fact, it's been widely discussed. If you go back to the historical texts of the debate at the previous intergovernmental meetings, there was a great deal of hesitation about the existence of the lists. Everyone, well, everyone who hesitated had already predicted what was going to happen today.

In other words, a juxtaposition of the two models. One is intangible, the other tangible. But that wasn't the question. That wasn't the point at all. And a competition, because no matter how much we say what we want, it's still a competition. A competition to assert that, since I'm inscribed, I'm the most beautiful. Which is not the idea at all. But nobody at this point wants to see the real idea behind the 2003 Convention.

Even if it is written in black and white. We had already realized that the World Heritage List was already facing a problem. However, we decided to create two lists as part of the new Convention. Initially there was only going to be one list, and that was the Urgent Safeguarding List. In fact, if you read the preamble to the Convention, the preamble that introduces and justifies, shall we say, the text of the Convention, states that, in the age of globalization, cultural diversity is in great danger, cultures are in great danger, etc., and it is absolutely essential to protect it, to safeguard it. Thus, we're starting from the premise that there is a danger. Hence the Convention.

It's the Convention for Safeguarding, not the Convention for Celebration. So, there was only one list. We decided to keep this list, which will be the main and central list. But we also created a list that was happier and celebrated cultural diversity. The idea was to have a Representative List of intangible heritage that shows what intangible heritage is. And finally, it helps us to better understand each other's cultures and intercultural dialogue.

The Urgent Safeguarding List would then be the serious list. All our forces and resources would be focused on this list. But there were very few States that knew how to safeguard, because intangible heritage is new to us all. So, we thought it would be good if we could select good safeguarding practices and identify them so that we can draw inspiration from them. That's how it all came about.

So, what happened? We have three systems: the Representative List, the Urgent Safeguarding List, and the Register of Good Practices. In the Convention, it is the practices that best reflect the spirit of the Convention. However, the most important mechanism is the Urgent Safeguarding List. Despite this, everyone considered the Representative List to be equivalent to the World Heritage List. And that the punishment was to go on the Urgent Safeguarding List, which is considered equivalent to the List of World Heritage in Danger.

There are, however, States that want to be included on the List of World Heritage in Danger because they are concerned about the dangers threatening their heritage. There are other States which, most of the time, slow down the transfer of heritage to this list, despite it being quite obvious that the site is in danger. They slow down, they slow down, they slow

down because of shame. Well, we did the same thing for the 2003 Convention, but it wasn't the secretariat that did it. It is the States that have applied the same scheme.

The Urgent Safeguarding List implies a commitment on the part of the State, including a financial commitment. Which does not imply anything at all in the Representative List does not imply at all. The worst thing about all this is that, as the Urgent Safeguarding List is not a sub-list of the Representative List, an element cannot be inscribed on both lists at the same time, unlike the World Heritage List. So, it's either one or the other. And then you can move from one to the other. However, when you're on the Representative List, you may well be in danger.

It's not forbidden to be in danger when you're on the Representative List, because that's not the criterion for inclusion. The criterion for inclusion is to be representative of intangible heritage and to provide a better understanding of what intangible heritage is. So even an endangered element can be perfectly representative of intangible heritage and help to improve understanding. There are plenty of things that are in danger and that are on the Representative List, including the old Masterpieces, which were inscribed in 2008.

It would probably have been better to leave the Masterpieces as they are in a small corner. But we decided to include them in the new schemes. For me, it may have been a strategic error because the Masterpieces started to feed the Representative List. During the first inscription phase, there were four or five nominations for inclusion on the Urgent List and 111 for the Representative List. And then it was over. Done. Yes, because it's impossible to stop the movement. If these were the first inscriptions, we'd already have something much bigger with the Masterpieces and then... That's it.

The Convention has come of age, and everyone has understood what intangible heritage is. That's a fact. The second fact is that, in any case, political decisions will always be taken by the committee, because that's the way it is. You can't change the Convention; you can't change the fact that it's the States that decide. The full procedure is described in the guidelines. The Convention is evolving through its directives. And as you can see, we can change them, we change them all the time.

Personally, I had suggested that each State should select five elements of intangible heritage from its inventory each year, and then include them directly on the Representative List. We would just keep the Urgent Safeguarding List, the real list in line with the main objective of the Convention. However, the Representative List continues to exist. But if we managed to put the brakes on this system, we could stop this spending in time, money, translation, etc., which completely distracts from the spirit of the Convention: the safeguarding. However, we're no longer able to put the brakes on it, and we're including elements that are deserving and elements that are less deserving. Currently we have the feeling that we can't put the brakes on this system. Somehow, I believe that it is the responsibility of States to think about the system.

## **A Westernized system**

*What are your views on the procedure for inscription on the lists? Are we working under a system that is still Westernized, even elitist? Don't you think that the current model could in some ways disadvantage the inscription of elements from non-Westernised communities? States do not have the same financial capacity, yet the whole system involves a major expenditure of public money. For example, for most of the States in our region, submitting a dossier in English or French entails additional financial expenditure. And sometimes these translations risk distracting from the issues. Don't you think it would be much more interesting to present them in the official language of each country so that at least the communities understand what is being presented and finally know whether it is to their advantage?*

I have to say that I was a little disappointed with the outcome of the discussions on the inscription process. I was expecting something more creative and daring. The forms have been simplified and the floodgates have been opened even wider. But in fact, we haven't made any savings in terms of management, secretarial work, the work of experts or the money spent on translating documents for you. I did a calculation at one point, and I think that all this represented almost 80% of the secretariat's budget.

We can no longer turn back the clock and we must recognise the existence of these lists. But let's let the current flow, following the example of Wikipedia. In this way, the States will feel less frustrated. They will be able to register items each year. So, there are no limits? There is no limit because it comes from the work imposed by the current examination process.

In other words, the management work carried out by the secretariat, recording everything, translating everything, putting everything online, doing this, doing that, then summoning the experts twice, three times, in addition to organizing the dialogue process, it's crazy, it's never-ending. We spend our lives in meetings, all year round, all winter, all the time. What's more, we're still working within a Westernized system. Completely Westernized.

In the end, we don't really follow the system we created within the Convention, because we decide to inscribe everything. If you decide to inscribe everything, then why go through this expensive process?

The secretariat can give you extraordinary things in terms of work. It can support you in capacity building, assist you in policy development and so on. In other words, there are some extraordinary people in the secretariat. On the other hand, I was disappointed, I must say, with the way the list system worked. Just as I was disappointed by the reflections on the 1972 Convention which failed to make a new start.

As an anthropologist, I have a fairly clear vision of what cultural expression is in the ethnological sense. It often involves people who speak the same language, who also eat the same thing and who also listen to the same music. These are communities that are linked in different ways.

## Promoting economic interests

***We can see more and more that other groups, especially economic groups, are appropriating the heritage of communities, and there is a proposed blurring between material heritage and appellation of origin. Do you think that the economic and political interests of States run the risk of distorting the aims and objectives of the Convention?***

And this is why, at times during the Convention, the secretariat was accused of being completely opposed to any economic activity linked to intangible heritage. Which is totally untrue. All traditional crafts have an economic function. All agricultural practices have an economic function. All breeding practices, all textile production practices. Finally, there is a large part of intangible heritage that has an economic dimension. But this economic dimension is internal to the community that practices this heritage.

However, sometimes [the UNESCO label] risks benefiting others than the community, for example, big brand companies (agri-food, luxury goods, etc.). These companies are also interested in the 2003 Convention. They have already realized the possible benefits that it could bring. Few years ago, a nomination file submitted by a developed country received negative recommendations from the evaluation body. This country proposed the inscription of an element of artisanal knowledge.

The file was prepared by two professionals who previously worked at ICOMOS. These people were familiar with the vocabulary, procedures, etc., of UNESCO and its Conventions. So, they presented a perfect file. But the evaluating body did not recommend its inclusion in the [Representative] List. They argued that the economic benefits that would arise from registration would benefit luxury brands more than artisanal communities. The Committee did not have access to the file because the requesting country decided to withdraw it after reading the report of the evaluation body.

## Community participation, the weakness

***In your opinion, is there genuine community participation in the process of implementing the Convention and inscription on the lists?***

In fact, the problem with this Convention is that today the Western countries, as usual, have complete control over how the nominations are drawn up. They have all the keywords to build a good case. I have always refused to help put together an application, no matter which country asked me to do so. People have asked me to help them with this work. I said no, I'm happy to give you training on safeguarding, but don't expect me to help you apply. Because it's not an exercise in writing a nomination file.

It's a serious matter. It is within a community that the desire to safeguard the heritage of its preference is born, it is the practice. So, I have nothing to do with it. Now there are a lot of countries creating nominations that look perfect on paper. They have the experts with the

knowledge to do it right, so they can offer you everything. All the key words and elements requested were there. So, when you look at criterion after criterion, there's no denying that yes, it's been met. But it's illogical. There is no field visit, so the committees are not familiar with the proposed elements. On the other hand, the field visit is a false problem.

There are events that are celebrated every few years. There are the celebrations that take place periodically at the royal tombs of Kasubi in Uganda. You're not going to wait seven years to register for this event just because you have to go and see it. Secondly, you must have a little respect for cultures. Just because you go on a week-long visit doesn't mean you'll understand a culture. Some people, anthropologists for example, spend at least twenty years before they can draw conclusions. For this reason, communities must be involved in all the processes involved in developing the file. The evaluation body and the committee cannot judge only what is written on paper.

In my training courses, I often gave a very special example, very emblematic of the countries of Eastern Europe. We're talking about a heritage that is, let's say, intimate, like folk dances. When all these dances have become national ballets, as is very often the case, and you have professional dancers who perform as a national ballet in theaters, etc. People ask me if this is an intangible heritage. I reply that I don't know because I have no information about these dancers or where they come from. Or whether the dancers who take part in these ballets are part of a community or whether they have only learned to dance for show.

The difference is not the intangible heritage, it's not the dance or the costume. It's the story, the experience, the life of the person performing it. If I don't know the person and if that person doesn't say whether it's their heritage, it won't be obvious from the outside. For this reason, field visits by experts won't help us understand anything. We're not at the zoo to see animals. We are dealing with human societies that have internal logics that are very difficult for others to understand. You can't just trust what they say. States have a major responsibility towards these communities.

The consent of the communities is not a paper signed with a Ministry in charge. The recommendations of the assessment bodies have repeatedly mentioned that community consent agreements should be all collected in as many ways as possible. This can be done through videos, in the local language, etc. The State must then translate these elements so that the members of the assessment body can understand them. States that did not understand, or did not want to understand, the existence of this freedom to present the consents of communities.

Some countries have completely manipulated the nomination file. Particularly when the language in which the communities expressed themselves was not the language in which the application was submitted. There are States which, in a way, have almost invented an element involving quasi-fictional communities. But what do you expect us, the secretariat, to do in a situation like this? We don't have anything to say about the nominations. The principle, which I believe to be the only one possible, is that the state assumes responsibility for what it presents. So, in fact, I'd say it's the weakness.

This is the Convention's only real weakness. This is not its conceptual framework. In the end, there is a major contradiction between the fact that communities are at the heart of the system in terms of identification, safeguarding, definition, and everything else. But in fact, they have nothing to do or say in the process conducted within UNESCO. This is a major weakness because it is a failure of democracy and transparency.

In fact, it might make more sense for the communities to have the right to propose nominations and then for the State to have the right to comment on the nomination. The committee will then be able to examine the files containing the information submitted by the community and the comments made by the State in order to reach a decision. But not allowing communities to express themselves directly in intangible heritage is a major flaw.

Democracy, even if it is constitutional, still has difficulty really functioning in some States, in relation to certain communities in any case. A convention that is so extraordinary, so democratic, so egalitarian, that it fails to give a voice to cultural diversity, that's a shame!

## **The experts and the evaluation body**

*Do the Committee's decisions, which differ from the Evaluation Body's recommendations, undermine the credibility of the Convention? How can we find a solution to this problem?*

In my opinion, the Evaluation Body is very flexible, frankly very flexible, it is not severe, because its aim is not to be severe. However, its job is to eliminate anything that falls outside the scope of the Convention. If, as a matter of principle, you were to respect the evaluation body, while leaving the current way of operating, you could, for example, allow a negative application from your country to be blocked. At the same time, it would be up to the experts to give their opinions and set limits that would allow them to oppose certain things that go beyond the limits. It's true that if you don't have any negative opinions on your nominations, you probably won't have too many diplomatic problems. This situation could backfire because you have to recognise that there are good and bad practices.

## **Human rights and the writing of a global history**

*The Convention affirms that intangible cultural heritage must be consistent with existing international instruments of human rights. We cannot inscribe elements or events that are against human rights. For example, during the 2022 session of the Committee, we wanted to have the representation of the "savage character" removed from the "Processional giants and dragons in Belgium and France", but that's also part of the history. In your opinion, what is UNESCO's responsibility in these cases, where inscriptions on these lists and the World Heritage List shape the political, economic, and cultural relations of a given country and its communities? Are we in the process of writing a history based on the 'good elements', avoiding writing an overall history that includes both pleasant and, shall we say, not too pleasant elements? How do you make this choice? What is the Committee's responsibility?*

For me, the whole point of the Convention is that it improves people's lives. It improves people's lives because preserving their intangible heritage preserves their enjoyment of being here, of being in the world, of living. So, it's a huge responsibility. I believe that intangible heritage can help turn history on its head. Especially when you think of all those peoples who have been oppressed by colonists, and therefore prevented from expressing their culture. Today they are not only invited to express it, but sometimes even supported in doing so. I think we really need to hold on to that. Thus, anything that can give a voice back to communities.

## **Politicization of the Convention**

*The question of politicization is already a statement. The Convention is obviously political. We know that inscribing something on a UNESCO's list is a way of legitimizing something. Last year, against a backdrop of conflict and in an extraordinary session, the Committee included "The culture of Ukrainian borscht cooking" on the USL. However, borscht is also a soup cooked and recognised as heritage by other communities in Eastern European countries, including Russia and Ukraine. What do you think about this type of element?*

In general, eating habits are extremely complex. At the same time, all food practices are intangible heritage. A population is considered as definitively assimilated when it has lost its dietary practices. It can be displaced, lose its clothing practices, lose certain aspects of its food heritage. As long as it maintains its dietary practices, they exist.

It cannot be denied that the practice of eating is an intangible heritage. Now it's the most common intangible heritage in existence because everyone eats. And all humans not only eat, but have their own recipes, their own way of eating, their own context of eating. I think that the States are going to wear themselves out trying to understand that the lists bring them many advantages but also many disadvantages.

The world is never stable. So, I would say that whenever there are States which are governed by people who are favorable to the spirit of the Convention and who understand it, we will be able to make a lot of progress. And then afterwards, we might have to lower your head a little to wait for it to pass, hoping that there won't be too much damage. But that's the way human life is.

We cannot have a totally controlled and totally clean future. There will never be 100% of States that behave well in relation to the Convention. But not just with regard to the Convention, with regard to human rights, with regard to everything in fact. So, there you have it, I think it's strength in numbers that sets the direction.

When you invest in cultural democracy and empowerment at a local social level, you get an extraordinary return on your investment. But a return on investment that goes beyond the cultural field, into the economic, social, and politic field. When people take pride

in what they do, they do it better, they do it more. They speak their language more to their children because they are proud of it, because they know it is valued. All this is economic and political dynamism that has no value. Not to mention that, ethically, we're doing something very powerful too.

I'm not talking about ethics, but I'm talking in terms of economics, positive political return, and positive economic return. If you manage to, seriously and scientifically, document the positive impact of certain safeguarding elements in terms of democracy, social cohesion, and economic dynamism, I believe that this will lead many States to think.

## **Assessment**

### ***What assessment can be made of these twenty years in terms of the Convention's objectives?***

Overall, I am happy with the results obtained so far. Maybe I'm a little naive, but I still have a lot of hope for the Convention. Article 18, good practices on safeguarding, is where we need to go from here. We really need to get the whole of civil society behind this article. The academic world needs to get to grips with this, and governments need to stop feeling that they are the only ones entitled to identify intangible heritage. Civil society must be involved in this process. This work must not be done exclusively by governments, which often only seek to justify their own measures which are sometimes not the right ones. The academic world must invest in this issue of good practices.



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## Strategic reflections

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# New challenges for the 2003 Convention: **Achieving a Balance**

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Paula Alves de Souza<sup>32</sup>

Built over the rubble of the Second World War, UNESCO was conceived from a broad concept on culture, aiming at counteracting the powerful national political propaganda machines arisen in the period between wars, with the primary goal of projecting the countries' soft power internationally. The UNESCO Constitution Chart signatory countries conceived it in the hope that culture played a relevant role as an element that structures the political world, as established in its preamble:

*since wars begin in the minds of men, it is in the minds of men that the defenses for peace must be constructed (...). For these reasons, the States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives. (UNESCO 1945).*

Aware that certain historical narratives had considerable weight in the mobilization of conflicting nationalisms, the States that comprise UNESCO gave it the mission of promoting a broad exchange of information and knowledge among the States, in different manners. They believed it was necessary to foster a plurality of historical standpoints, to get close to what they defined as "objective truth".

With time, however, this ideal was corroded by the reality of disputes of narratives by the States, which use the concept of culture as soft power. Little by little, from a forum dedicated to promoting agreement, knowledge and understanding between nations through culture, UNESCO started representing a new battlefield for projecting the soft power of States, via cultural diplomacy.

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32 Ambassador, Permanent Delegate of Brazil to UNESCO.

In a way, the organization itself endorsed this transition, since it currently defines itself as “a laboratory of ideas and an institution that sets standards, to weave universal consensus about emerging ethical topics.” (UNESCO 2004, 33). Considering that UNESCO gives itself the mission of being a point of convergence that allows dialog and consensus from different standpoints, and that the States grant it such legitimacy, the recommendations and inscriptions made under the organization’s aegis have international recognition. UNESCO has, consequently, a discourse of authority. This is the core of the most heated disputes between member States: including in the discourse of authority by UNESCO contents favorable to their national interests. Thus, it is converted into a vast field of dispute for symbolic assets.

The most natural place for the dispute of symbolic power resulting from the organization’s recognition are the clashes in the scope of the cultural convention committees. With the tenure for shared management of worldwide cultural heritage, the six UNESCO conventions have different mechanisms to promote the safeguard, cooperation and fostering in topics that range from the protection of cultural assets in armed conflicts to valuation of cultural diversity.

In the spectrum of UNESCO cultural conventions, the World Heritage Convention stands out, resulting from the international commotion generated from the construction of the Aswan High Dam and the risk of losing such a rich historical heritage in Egypt. The fact made the international community aware of the importance of preserving cultural and natural heritages that could have “exceptional universal value.” In this context, the World Heritage Convention was created in 1972 and has in its founding core the World Heritage List.

Although the concept of “exceptional universal value” is currently the target of criticism, it is undeniable that the World Heritage List project was very successful and still has some credibility, giving prestigious international recognition to a certain site. For this reason, and victim to its own success, the List has been an object of disputes between States, to include and, in some cases, block certain candidacies at the service of national interests. To a large extent, the resulting cartography ends up replicating, with few changes, the *status quo* of the most economically active countries in the world. Consequently, the List can open, in some cases, a space for disputes between memories in contexts not previously considered, contrary to the UNESCO order of promoting conciliation and mutual knowledge. An eloquent example was the discussion about memory sites, which proposes the valuation of sites by their memory value, not by their intelligible aspect (UNESCO, 2021). The memory sites are, thus, a relativization of the concept of “exceptional universal value”, considering the always subjective nature of memory, in contrast to the tangible nature of material heritage.

The World Heritage List opened, anyway, a model for legitimation of soft power via UNESCO that was later replicated by the member States in other themes and mechanisms from the Organization. The same process is seen in relation to the Representative List of the Intangible Heritage, related to the 2003 Convention. Although it is a list that usually has less

controversies than the World Heritage List, a dispute among States to increasingly subscribe national items to the list is also noticed.

Aware of the opportunities and lists from the World Heritage Convention, the proponents of the Convention for the Safeguarding of the Intangible Heritage proposed a different listing mechanism, aiming at avoiding competition between the States for the number of elements inscribed. Thus, they proposed to invert the negative sign from the List of World Heritage in Danger, encouraging the States to inscribe vulnerable elements to the List of Urgent Safeguarding. They also thought of an alternative list, presenting good Intangible Heritage Safeguarding practices. The minutes from the debate that established the Convention show that the last of the mechanisms considered for the Convention was the Representative List of the Intangible Heritage, to avoid the clashes already seen in the World Heritage List.

However, since the Convention was conceived, the goals and priorities given both to the theme of intangible heritage and to each of the lists changed radically. Then, we noticed three major imbalances that, in a way, muddled the development of the Convention: the typological imbalance, the geographic imbalance, and the procedure imbalance.

Resulting from the success of the Convention, the typological imbalance is seen in the major emphasis given to the Representative List in detriment of the others. Currently, the Representative List has 567 elements inscribed, the List of Urgent Safeguarding has 76 elements, and the List of Good Practices, only 33 inscribed. In addition to the imbalance between the lists, we also noticed an imbalance within the Representative List, related to the typology of elements inscribed. However, a dangerous trend in the scope of the Convention is noticed, which has left communities, groups and individuals on a second plane. Instead of listing techniques and knowledges traditional to their communities, some States have opted for registering lifestyles of their populations. Consequently, instead of the community owning the cultural element, the product resulting from its cultural practices, many times associated to highly influential financial circuits, becomes a priority. Thus, cultural owners are no longer objects and have become objects or, at the limit, producers and consumers of the cultural elements turned into heritage by UNESCO.

The most severe thing in these dynamics is that the lifestyle that are becoming heritage do not correspond equitably to the cultural diversity of the States parties, due to the considerable geographic imbalance that exists. We apprehensively observe the trend of the Convention for the Safeguarding of the Intangible Heritage to repeat imbalances from the World Heritage Convention, presenting a high concentration of listed properties in two geographic groups. Thus, within the scope of the Representative List, the European continent by itself has over 38% of all elements inscribed, while Latin America has only 13%, a number slightly higher than the one for the African and Arab regions, which have approximately 9% each.

The recent introduction of “Priority Zero” in the renovation of the listing system has worsened the problem, creating an unjust distortion that allows all States, regardless of how many elements they already have in the Representative List, to present the same number of files every year. Thus, a country that has only one element listed and another that has dozens of elements listed will have, at the eyes of the Convention, the same priority in the analysis of their files. A greater diversity in the Representative List would be very appropriate, so that it can in fact be representative of all regions.

The geographic imbalance makes us reflect about the last imbalance we observe in the Convention – the procedure imbalance, between file and element. Considering the impossibility of including evidence external to the files in the processes of inscription to the Representative List of the Intangible Heritage, the Intangible Heritage Convention ended up consecrating a mechanism for turning documents into monuments. The process of writing the file allows the proponents to hone a certain document to converge with a certain narrative. Consequently, the process of supporting the file many times gets more relevance than the elements proposed. The inscription extrapolates the mere analysis of documents and the strategy from the proponents unfolds into mobilizing an arsenal of convincing arguments for the organ of evaluation (Pereira Filho 2020).

Thus, the emphasis on the file implies favoring developed countries, which have more capacity for preparing and supporting a technical dossier, regardless of the quality, originality and representativeness of elements. The limits of the dichotomy between dossier and element, in fact, are examined by Luciana Gonçalves de Carvalho, in an article included in this collection. It is a complex issue, which balance demands reinforcing the dialog between the inter-government organization and the Evaluation Organization.

The Secretariat and Delegations are aware of these dynamics and have made serious efforts to try to correct all these imbalances. Commissioning studies to avoid commercial risks associated with turning intangible elements into heritage, holding work groups to explore the line of good Convention practices, and the support to qualification projects in regions still with little representation in the Lists are important initiatives to renovate and update the Convention’s mechanisms.

However, a considerable part of the efforts must come from States parties, in an internal exercise of heritage reflection. In this case, in addition to valuing their internal mechanisms for protecting the intangible heritage, forms of international cooperation must be explored for their safeguarding and promotion. This means that, beyond celebrating the intangible heritage, we must reflect on how such traditional knowledges and techniques can contribute to the sustainable development goals, as proposed by Tim Curtis, the Convention Secretary, in a text included in this collection. Thus, the rationale of the heritage board of medals can be overcome, allowing all to value and appreciate the intangible heritage that belongs to all of us, as mankind. In fact, it was with this spirit that not only the Convention for the Safeguarding of the Intangible Heritage, but also UNESCO itself, were conceived.

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# Education, Youth, and Intangible Heritage

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Nancy Ovelar de Gorostiaga<sup>33</sup>

UNESCO adopted the Convention for the Safeguarding of the Intangible Cultural Heritage on October 17, 2003. It did so in a framework of peoples' reaction to globalization's threats to cultural uniformity, which seemed to forcefully impose a single direction on cultural trends worldwide.

However, while in the world of culture a kind of music, a type of clothing and even the food consumption were becoming universal, concurrently arises an inalienable wish to remain and preserve traditions. This includes languages, ways of being and living in the world and ways to connect with nature.

The aspiration for a harmonious existence with the environment is reborn in the hearts of new generations. This is an encouraging sign that provides humanity with opportunities to reinvent itself. Also, to renew its relationship with the earth as a unique and unrepeatable heritage. But what are the signs of current society that conspire against the preservation of intangible cultural heritage?

According to Bauman, the current world is characterized by its fluid and volatile state<sup>34</sup>. This is what he calls liquid society. This is a society in which the uncertainty caused by the dizzying speed of changes has weakened human bonds. The heart of intangible cultural heritage lies precisely in the human bonds that can generate fruitful and faithful community relationships.

The fragmentation of identity, job instability, an overdose of unfiltered information, the economy of excess and waste, the lack of credibility of educational models, the end of mutual commitment, and fleeting interpersonal relationships shape the liquid society as it is defined.

Individualism, understood as the tendency to think and act according to one's criteria with total independence from social determinations external to each person, is another sign of the current society. This is a society that opposes the spirit of a convention that seeks to grow on individuals' devotion to their heritage, identity, and culture.

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33 Ambassador, Permanent Delegate of Paraguay to UNESCO.

34 The sociologist Zygmunt Bauman is the author of the concept "liquid modernity" to define the fluid and volatile state of today's society.

On the other hand, we live in a reality in which the fluidity of communication is imperative, and rites are perceived as obsolescence and a dispensable hindrance. According to contemporary philosopher Byung-Chul Han, we are facing a kind of disappearance of rituals due to the pressure to produce and the speed with which unscrupulous consumption surrounds us with a decline that destabilizes life.<sup>35</sup>

Rituals provide stability to life. The philosopher recalls the words of Antoine de Saint-Exupéry, to explain that rituals are to life what things are to space. He also mentions the political philosopher Hannah Arendt, to explain that the durability of things makes them “independent of the existence of man.” Things have “the mission to stabilize human life.”

Ritual forms, like courtesy, enable not only kind treatment between people but also orderly and respectful handling of things. In the ritual framework, things are not consumed or spent, but used. That’s why they can become aged. The preservation of different cultural heritages in our countries is closely related to the ability of communities to constantly maintain and recreate their rituals and cultural expressions.

“Intangible cultural heritage” is defined by Article 2 of the Convention adopted in 2003 as:

*the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts, and cultural associates therewith – that communities, groups, and in some cases, individuals recognize as part of their cultural heritage.*

This intangible cultural heritage is transmitted from generation to generation. It is constantly recreated by communities and groups based on their environment, their interaction with nature, and their history. All of this provide them a sense of identity and continuity and encourage them to promote respect for cultural diversity and human creativity.

We observe that the 2003 Convention expresses that intangible cultural heritage is: traditional, contemporary, and living at the same time. It is inclusive, representative, and community-based. It is necessary for countries that promote the implementation of the 2003 Convention to develop the ability to guarantee local appropriation of memory spaces and heritage assets. Additionally, they should promote decentralized and democratic development of cultural industries, even through the implementation of new digital tools.

The richness of this heritage lies in its social, economic, and environmental value, not only in the traditions inherited from our ancestors but also in our region’s contemporary rural and urban practices. The reflections that we propose from now on will have to do with the relationship between intangible cultural heritage, sustainable development, and education.

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35 In his latest book, ‘The Disappearance of Rituals’, warns us: the disappearance of the symbolic practices that bind us to the community and the constant pressure for us to work and be more and more productive lead to the desecration of life.

The safeguarding of cultural expressions from communities must be promoted from a comprehensive perspective, considering the connection within cultural values and values transmitted from educational systems. The first one aims to maintain a harmonious relationship with the environment and the practices, while the second one is seen as part of sustainable development policies assigned to education.

Latin America and the Caribbean is a region that inherits and bears great cultural wealth. This includes sounds, colors, flavors, techniques, and knowledge of this region. It is here that the roots of the Convention for the Safeguarding of the Intangible Cultural Heritage can be found. They emerge as an imminent response from communities who were concerned about the overwhelming expansion of globalization that threatens to standardize the world. The valorization of knowledge about nature and the universe, worldviews, social practices, oral traditions, customs, skills, languages, music, dance, and philosophy has become a necessity for the sustainable development of its bearers.

The twentieth anniversary of the Convention is an opportunity to evaluate the implementation of the Convention for Safeguarding of the Intangible Cultural Heritage in the region since its adoption in 2003. It must become the driver of a new perspective on intangible cultural heritage, admitting the importance of promoting the development of new mechanisms for the registration of cultural manifestations. Moreover, recognizing that Latin American countries need to play a greater role in the multilateral governance of culture.

Paraguay, as a member state of the 2003 Convention, observes with concern the imbalance in its lists and advocates for more dialogue in the region. Primarily, there's a need for a greater exchange in the development of capacities to promote public policies on the rescue and safeguarding of the cultural heritage of our peoples.

Likewise, we believe that State Parties must promote a combined action of culture and education, learning experiences, and emerging artistic forms. Also making use of digital technologies and media, among other things, understanding that there will be no veritable educational transformation if there is no cultural transformation.

Culture and education are two sides of the same coin. It is through education that commitment to cultural heritage can be sown in the hearts of new generations.

Therefore, we should try to give greater attention to teaching related to heritage. Particularly, a special attention should be given to education regarding cultural heritage and throughout it, considering its multiple dimensions. It helps to increase the recognition and understanding of various cultural manifestations and expressions. Also, contributes to evaluate education programs to bring value to national and local practices.

Education and culture relationships must be developed in a broad framework that encompasses everything from formal education to social life needs, especially in community interaction and integration.

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# The Role of CRESPIAL on the Framework of the Twenty Years of the Intangible Cultural Heritage Convention

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Veronica Ugarte<sup>36</sup>

UNESCO, as a reference organization in the creation of international normative instruments, focused its debate in 2003 on the safeguarding of the intangible cultural heritage of humanity (ICH). This concern is justified by the lack of precedents that connect actions on the protection of this heritage and by the urgency of showcasing the importance of its preservation and continuity in the world.

The 2003 Convention was conceived for the safeguarding of the intangible cultural heritage, as an instrument that hosts decisions and concrete reflections from the others previous conventions. This document is a multilateral accomplishment discussed and agreed upon internationally for the safeguarding of the ICH, which, on its turn, is a milestone that originates cultural policies worldwide.

The main goal of the 2003 Convention was to reconcile and foster actions aimed at ensuring the viability, preservation, safeguarding, and management of living heritage. Additionally, it sought to encourage international cooperation and assistance to generate awareness at local, national, and international levels about the value of intangible cultural heritage.

When nomad peoples settled in Latin America, 40,000 years ago, the first historical revolution happened in the continent. Advances were observed in technology, agriculture, development of pottery, wickerwork, fabrics, and construction of buildings in stone. All of these represent an original and essential contribution from American indigenous peoples to human culture.

The development of high civilizations soon manifested through settlement of urban and ceremonial centers, architecture, artistic manifestations, forms of religious organization, administrative organization. Likewise, through astronomical knowledge, occupation of vast territories with settled peoples connected through their own identity, with distinction of language, traditions, especially with a common millennial past inherited from an original culture.

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36 General Director (a.i.), Regional Center for the Safeguarding of the Intangible Cultural Heritage of Latin America – CRESPIAL.

These processes embrace the genesis of cultural diversity in Latin America. According to the World Bank report titled “Indigenous Latin America in the twenty-first century,” there are approximately 42 million people belonging to indigenous communities in Latin America. Mexico, Guatemala, Peru, and Bolivia are the countries with the highest rates of indigenous population, with more than 80% of the region, which represents about 34 million individuals.

The growing self-identification by those people has contributed to the increase of the demographic dynamics. According to CEPAL, there are 826 indigenous peoples in Latin American countries – Brazil hosts approximately 305 indigenous peoples, followed by Colombia (102), Peru (85) and Mexico (78); at the bottom of the list, are Costa Rica and Panama, with 9 indigenous peoples each, El Salvador (3) and Uruguay (2).<sup>37</sup>

## **The creation of CRESPIAL and its role**

This extraordinary cultural diversity in Latin America drives UNESCO to turn its focus on safeguarding the Latin American ICH. For this reason, the organization makes efforts to advance the implementation of the 2023 Convention in the region. To achieve this goal, the organization has created a Category 2 Centre – the Regional Center for the Safeguarding of the Intangible Cultural Heritage in Latin America (CRESPIAL). Its main goal is to strengthen the capacities of each Member State and increase the participation of bearer communities. Finally, it aims to promote regional and international cooperation in the purpose of safeguarding the living heritage.

Thus, CRESPIAL represents a transcendental initiative to boost sustainable development and cultural governance of the 18 Member Countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, El Salvador, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay and Venezuela. These countries participate in the Administration Board and the Executive Committee, which are the governing bodies of the Center. Together with the Technical Secretariat, they contribute to the effective safeguarding of the ICH in Latin America.

CRESPIAL has been promoting the fulfillment of the goals of the 2003 Convention. One of its key principles is to understand cultural heritage as a fundamental source that gives meaning and identity to communities, peoples and individuals in their daily work and life projects that serve as a foundation for their sustainability and well-being. Additionally, it advocates for respect and equal conditions for all individuals, encouraging community participation as an essential action for safeguarding living heritage

We have witnessed the exceptional diversity in our continent. CRESPIAL’s work is to safeguard this diversity regarding its preservation. To achieve this goal, it has implemented three programs: the multinational project program, the program for strengthening capabilities

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37 <https://repositorio.cepal.org/server/api/core/bitstreams/b1b631f7-30df-4668-9047-6e2060cb30a6/content>

and incentives, as well as two programmatic lines, which are community management and knowledge management.

One of the Centre's most notable contributions is the implementation of multinational projects outlined as regional or sub-regional initiatives. They foster multinational cooperation and collaboration, facilitating the exchange of experiences among countries and encouraging active participation from cultural bearers in communities from CRESPIAL Member States.

The multinational project "Safeguarding of the ICH related to music, singing and dance from Afro-descendant communities in CRESPIAL countries" is one of the projects concluded. It recognizes and enables cultural manifestations that include music and singing that are part of the lives of the Afro-descendant population. As a result of this excellent work there is a music record, a two-tome book about the situation of the Afro-descendant living heritage, and an audiovisual compilation of ten videos produced collaboratively by communities of bearers retrieved from the 15 countries that comprise CRESPIAL.

The project "Safeguarding of the ICH from Guarani communities" fostered the active participation from Guarani communities in the safeguarding of cultural expressions through the elaboration of a cultural cartography. This allowed the systematization of national diagnoses from the five countries participating in the project and the translation of the 2003 Convention to value and save the Guarani indigenous language.

There are still some projects under execution. One of them has received international recognition: "Safeguarding intangible cultural heritage of Aymara communities in Bolivia, Chile and Peru". It was selected by UNESCO on the Register of Good Safeguarding Practices. This project includes actions that safeguard music, oral traditions, textile art, agricultural technologies, and food processes, as well as use of language as a vehicle for transmitting the living heritage. As a result, they produced three albums of traditional music by Aymara communities, along with three essays showcasing the registration, compilation, research and dissemination of oral and musical expressions obtained in collaboration of constant dialog between technical teams, Aymara communities and the civil society involved.

Currently, the third component of this project is coming to life, which is to identify, register, research knowledge, wisdoms, agriculture and cattle farming and ritual practices from Aymara communities. CRESPIAL emphasized the valuation of the cultural essence and transmission of knowledge between generations of Aymara communities. This phase has facilitated contributions to strengthening policies on management and coordination among key stakeholders, including governments, bearer communities, and civil society. By doing so, it enables the collaboration and coordination of actions and initiatives that align with the management of cultural policies while fully integrating Sustainable Development Goals 2 and 15. Likewise, according to the principles and enforcement of the Convention, the multinational project for Safeguarding the Intangible Cultural Heritage of the Afro- descendant People from the Central American Integration System (SICA) region and Cuba is being executed.

It represents a cooperation effort to strengthen the abilities from community leaders and public managers in the participative construction of a subregional inventory. Nine countries, CRESPIAL, SICA and the Central American Black Organization (CABO) are committed to this important project.

Given the context of global concern with climate change, CRESPIAL is prioritizing efforts on the project 'Safeguarding Intangible Cultural Heritage in Emergency Situations.' This project aims to develop strategies for risk management, guiding actions to safeguard the intangible cultural heritage from the five participating countries.

## Final remarks

In summary, over the course of seventeen years, CRESPIAL has solidified its expertise in Latin America as a hub of cultural diversity, providing its Member States with essential tools for building, implementing, and managing cultural policies. These efforts directly facilitate the participation of various stakeholders from civil society, while also strengthening ties between the Center, UNESCO, Member States, and bearer communities. The overarching objective remains the safeguarding of intangible cultural heritage.

This means that CRESPIAL is a benchmark in Safeguarding of the ICH in the region. For this reason, our work as CRESPIAL and our path are reaffirmed by managing to safeguard the different and diverse expressions, practices and knowledge from bearer communities in Latin America and, with this, strengthen the institutional capabilities from the Centre's Member States.

Our firm commitment to generating public cultural policies that allow expanding the actions for safeguarding the intangible cultural heritage is an incentive that is in harmony with all programs implemented. The results are nothing more than the fruit of years of effort made by the Center and its Member States in the hard and constant work of safeguarding our living heritage.

### Links for consultation

<https://www.crespial.org/mapapci/>

<https://ich.unesco.org/es/convenci%C3%B3n>

<https://redsinfronteras.cl/project/diversidad-cultural-en-america-latina/>

<https://repositorio.cepal.org/server/api/core/bitstreams/b1b631f7-30df-4668-9047-6e2060cb30a6/content>

<https://www.bancomundial.org/es/region/lac/brief/indigenous-latin-america-in-the-twenty-first-century-brief-report-page>

<https://documents1.worldbank.org/curated/en/541651467999959129/pdf/Latinoam%C3%A9rica-ind%C3%ADgena-en-el-siglo-XXI-primera-d%C3%A9cada.pdf>

# 3

## UNESCO's vision

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# Social Dimension of the Illicit Traffic of Cultural Heritage: **Loss of the Collective Memory for Peoples and Communities**<sup>38</sup>

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Krista Pikkat<sup>39</sup>

Culture defines who we are, it represents our history, it helps us interpret the present and imagine the future. Not only is culture the foundation of our identity, it is also an important vector for sustainable development and social cohesion. The protection and preservation of the world's natural and cultural – tangible and intangible – heritage is at the heart of UNESCO's mission for which we have developed a comprehensive framework of normative instruments.

The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property affirms the importance of protecting cultural property against the dangers of theft, clandestine excavations, and illegal export. To date, 143 States have ratified the Convention and we have been persistent in advocating for its universal ratification.

As regards to the Latin American and the Caribbean region, I am pleased to acknowledge that out of 33 countries, 24 have ratified the Convention, covering more than two thirds of the region. Through its ratification, States Parties have transposed the Convention's values and principles into national law and opened the door to a broader and more effective multilateral cooperation. I would like to take this opportunity to encourage the rest of the states to consider the ratification of this important instrument as only its universal ratification can guarantee its effectiveness.

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38 Speech delivered at the Colloquium "The 2003 Convention and sustainable development in Latin America and the Caribbean" organized under the framework of the Celebration of the 20th Anniversary of 2003 Convention during the Latin America and the Caribbean Week at UNESCO – SALC 2023 21 June 2023.

39 Secretary of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols (1954 and 1999) and the 2001 Convention on the Protection of the Underwater Cultural Heritage and Director of the Culture and Emergencies Entity.

UNESCO has supported the fight against illicit trafficking and the return and restitution in the region through advocacy, capacity-building and awareness-raising efforts. For instance, in November 2022, we partnered with the Government of Peru to organize the Second Cuzco Forum under the theme “Towards the strengthening of International cooperation for the Protection, Return, and Restitution of Cultural Heritage under the 1970 Convention”. Another regional meeting is planned to be organized in cooperation with the government of Brazil later this year.

UNESCO's efforts to fight illicit trafficking got a new impetus with the adoption of the MONDIACULT declaration by 150 Ministers of Culture at the UNESCO World Conference on Cultural Policies and Sustainable Development held in Mexico last September.

Indeed, the declaration calls on UNESCO to scale up its global response, thereby encouraging the introduction of penal or administrative sanctions in national legislations; promoting capacity-building at national and local levels; and fostering more effective cooperation with art market actors, particularly with regard to the prevention of the acquisition of unprovenanced objects. The focus on unprovenanced objects emphasizes the need to protect archaeological sites, which remain highly vulnerable to illegal excavations and looting.

The MONDIACULT Declaration also specifically calls on UNESCO to strengthen advocacy and action concerning the impact of illicit trafficking on the memory, identity, and future of peoples. Indeed, the illicit trafficking of cultural property threatens the very essence of our identity, disrupts the transmission of knowledge, and undermines the enjoyment of cultural rights. Let us not overlook the intangible aspects that are intrinsically linked to movable cultural heritage, equally vulnerable and profoundly affected by illicit trafficking.

To enhance the protection and promotion of human rights and cultural diversity, the MONDIACULT Declaration also reaffirms the imperative to protect cultural heritage, both tangible and intangible, as well as cultural expressions. This is particularly important in times of crisis. Furthermore, the Declaration unequivocally condemns actions that target culture in the context of armed conflicts, including the use of cultural properties or their surroundings for military purposes. It underlines the need for an unwavering commitment to the preservation of our common cultural heritage, recognizing its intrinsic value to humanity.

The destruction and illicit trafficking of cultural property not only disrupts intangible cultural heritage, but also perpetuates a cycle of exploitation, commodification, and devaluation of cultural practices. This can lead to a diminished appreciation for the knowledge, skills, and traditions, which provide a vital representation of the vibrancy of cultural expressions.

Furthermore, the destruction of cultural property and its illicit trafficking often coincides with the oppression and exploitation of local communities and cultural practitioners. This destructive synergy further erodes the social fabric that supports the transmission and safeguarding of intangible cultural heritage, thereby perpetuating a cycle of loss and

destruction. To address these challenges effectively, we must adopt a holistic approach that recognizes the inextricable link between tangible and intangible cultural heritage.

Our efforts to protect cultural heritage and combat the illicit trafficking of cultural property must consider the intangible aspects that make these objects meaningful. This means engaging with local communities, indigenous groups, and cultural practitioners to understand the cultural, social, and spiritual dimensions of these sites and artefacts.

Moreover, the central role of traditional and religious practices, representations, expressions, knowledge and skills in strengthening the protection of tangible heritage should not be underestimated. In this respect, the integration of measures for the protection of intangible cultural heritage in the management plans of tangible heritage provides an inclusive and holistic protection of all cultural features of a site.

Furthermore, the 2001 Convention on the Protection of Underwater Cultural Heritage shares similarities with the 1970 Convention by combating illicit trafficking and facilitating the return of cultural property to its country of origin, particularly concerning cultural items found underwater according to domestic laws. The 2001 Convention addresses the prevention of looting and commercial exploitation of underwater cultural heritage to offer insights into the history of humankind.

In order to reinforce synergies between the UNESCO Conventions, and apply a comprehensive approach to heritage protection, UNESCO launched in 2020 the new UNESCO Programme “Heritage for Peace”. The objectives of this programme include strengthening the role of cultural heritage in conflict prevention, resolution in conflict situations, and post-conflict recovery.

In addition, in the field of living heritage, the Committee of the 2003 Convention has undertaken a reflection on intangible cultural heritage in emergencies. These efforts resulted in the adoption of operational principles and modalities for safeguarding intangible cultural heritage in emergencies in 2020. Furthermore, international cooperation is vital in countering attacks on our common heritage, whether from armed conflict or the illicit trafficking of cultural property as well as protecting our intangible cultural heritage.

Collaborative efforts involving the exchange of information, expertise, and best practices across borders, in coordination with all stakeholders, is essential to implement appropriate measures for the protection of cultural heritage. This includes identifying and intercepting stolen artefacts, prosecuting offenders, and facilitating the return and restitution of looted cultural property.

Recognizing the importance of working at the regional level, the Secretariat has launched a series of regional studies on illicit trafficking to take stock of capacities and needs and to make recommendations for UNESCO’s future action. The first study focused on Africa

and the study on the region of Latin America and the Caribbean is expected to be completed by the end of this year.

Collaborative efforts, especially in the field of awareness-raising and education, are crucial for the development of sustainable solutions for the continued protection of cultural heritage. Indeed, as the United Nations agency with a core mandate in both culture and education, UNESCO has sought to embed culture and the arts in and through education.

We promote learning about heritage as a way of broadening perspectives and deepening knowledge about history and society, thereby strengthening its protection and transmission. By acknowledging the value of intangible practices, we can foster a sense of pride and ownership within communities and empower them to protect their immovable heritage from harm and their movable heritage from illicit trafficking. At the same time, by developing sound preventive measures to preserve cultural property we also safeguard the practices, traditions, expressions, knowledge, and skills associated with them.

Furthermore, the return and restitution of cultural property, which is central to the 1970 Convention, is an integral part of ensuring the full enjoyment of cultural rights. This is the reason why the MONDIACULT Declaration also specifically addresses UNESCO's role in mobilizing and coordinating all stakeholders in the fight against the illicit trafficking of cultural property, using digital technologies and online platforms, and supporting awareness-raising.

Since the adoption of the Declaration, the Secretariat has sought to strengthen awareness-raising activities among stakeholders – including local communities, the civil society and experts, as well as major tech companies, social media platforms and the art market. In this context, I am pleased to mention the meeting planned with large tech companies and social media platforms on the fight against the illicit trafficking of cultural property during the next biennium with a view to strengthening the ethical rules which should govern online art trade.

UNESCO intends to continue its ongoing cooperation with the art market including in the framework of the revision of its 1999 International Code of Ethics for Dealers in Cultural Property. This revision aims to strengthen and clarify the ethical standards of professionals in terms of provenance research.

With a particular focus on raising awareness, UNESCO organized a workshop on provenance research in December 2022, which brought together representatives of the European art market, international experts and representatives of various organizations involved in the protection of cultural heritage. We plan to organize similar workshops over the next months on a larger scale to raise awareness in other major art markets. Such meetings provide an opportunity to share good practices and exchange on the challenges and issues facing the art market in provenance research.

In closing, I would like to reiterate the fundamental importance of preserving our common cultural heritage. Our culture is the foundation of our identity, encompassing our norms, values and beliefs. The integrity of our identity must remain protected from any threat or subversion. Unfortunately, recurrent armed conflicts, unlawful occupations and global natural disasters systematically threaten our cultural heritage.

UNESCO remains firmly committed to the preservation of our common heritage, and the organization of this Latin American and Caribbean Week undoubtedly contributes to our efforts. Allow me to express my deep gratitude for your unwavering commitment and support in the fight against illicit trafficking of cultural artifacts. Your efforts are essential to ensuring that our cultural treasures are protected and accessible for the enrichment of future generations.

# Synergies Between UNESCO's Conventions of 1972 and 2003: **Protecting and Safeguarding Cultural Heritage**

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Ernesto Ottone R.<sup>40</sup>

This year, the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage celebrates its 20th anniversary.

Twenty years is a relatively short period of time, yet through its implementation the Convention has already managed to leave a profound impact on culture. One of its most important contributions is undoubtedly the broadening of the notion of "cultural heritage" to include the vast range of intergenerational practices, expressions, knowledge systems and cultural skills of communities, groups, and individuals. With the advent of the 2003 Convention, the meaning that people attribute to their heritage has been brought to the fore, and communities placed at the heart of the definition and safeguarding of living heritage.

Today, with 181 States having ratified the Convention for the Safeguarding of the Intangible Cultural Heritage, the safeguarding of living heritage is generally recognised in national and regional policies and programmes. This progress shows that one of the main objectives of the Convention - to raise awareness of the importance of safeguarding intangible cultural heritage - has undoubtedly been achieved on a global scale.

At the same time, much more remains to be done. Living heritage is subject to threats from outside communities of practice, including demographic change, economic pressures, environmental degradation or simply changing values, with negative consequences for cultural diversity and human well-being in general.

To face these challenges, we do not have any directives. But one of the areas that I feel should be worked on as a priority is undoubtedly synergy with the World Heritage Convention. It is directly in line with the Declaration adopted at the end of the UNESCO World Conference on Cultural Policies and Sustainable Development - MONDIACULT 2022, which advocates an integrated approach that focuses on issues relating to cultural rights, access and social and economic inclusion for all.

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40 Assistant Director-General for Culture, UNESCO.

The World Heritage Convention, with its 195 States Parties, also has a history of great success. However, the assessment made on its 50th anniversary, celebrated last year, shows that this extraordinary international standard-setting instrument today faces major challenges in terms of credibility, resources, and balance in terms of representativeness. More than ever, the World Heritage Convention needs to evolve and adapt to the current context, which is profoundly different from the one in which it was conceived and created.

Of course, talking about synergies between the 1972 Convention and the 2003 Convention is not self-evident. These two regulatory instruments were drawn up at different times in history, and have specific systems of governance and resources, as well as their own States Parties and areas of intervention.

There is, however, a real interdependence between intangible cultural heritage and tangible cultural and natural heritage, which needs to be recognised and explored if we are to develop more effective safeguarding practices.

World Heritage sites are places where living heritage is practiced and passed on. And these sites simply cannot be thought of in isolation from the values that underpin their construction, enhancement and management, and from the perspective of the well-being and dignity of the people who live there.

Safeguarding living heritage must therefore be integrated into the management of World Heritage sites, with a view to ensuring complementarity between the tangible and intangible spheres. This approach needs to be further developed, as part of a systematic promotion of holistic methodologies for heritage protection, with coherent national public policies and programmes that integrate the principles and provisions of the 1972 and 2003 Conventions in a complementary and harmonised way.

This approach must, of course, be reflected at all levels of application of heritage policies. Inventories, for example, must reflect the practices of safeguarding the living heritage of the inhabitants of World Heritage sites.

On the other hand, site management systems should take greater account of intergenerational community practices and values, where this is not already the case. Similarly, in the sustainable management of tourism, priority must be given to strategies that focus on the joint safeguarding of tangible and intangible heritage. In this context, it is important to ensure sustainable livelihoods for the well-being of the communities that practice and transmit their intangible heritage on the sites.

It is in this context that greater synergies with the world of education can be developed, through both formal and non-formal education, in order to strengthen the knowledge, skills and practices needed to pass on the various forms of heritage to future generations. Greater recognition of the intangible heritage at the heart of built and natural heritage sites would facilitate the development of innovative, community-based, and culturally rooted responses

to the challenges facing heritage sites, such as disaster risk management, the impacts of climate change and biodiversity loss.

Safeguarding heritage in all its forms, in a more integrated way, is thus likely to promote responsible behaviour towards the environment, the sustainable use of resources, and inclusive, rights-based approaches and holistic practices in site management. This would strengthen the vital link between culture and sustainable development.

With this in mind, it is perhaps time to consider the possibility of setting up a mechanism for exchanges - ethically sound and rigorous - between the technical bodies responsible for evaluating submissions to the 1972 Convention and 2003 Convention lists and the UNESCO Secretariat, in order to give greater solidity to the technical examinations that precede applications.

In conclusion, the 20th anniversary of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, which almost coincides with the 50th anniversary of the 1972 Convention for the Protection of the World Cultural and Natural Heritage, should not just be an occasion for celebration.

It must mark a major milestone in its historical development. By joining hands and reinforcing each other where possible, the two Conventions can face the challenges of the 21st century with greater strength, credibility, and effectiveness. This is not only desirable, but also an ethical imperative.

# Synergies Between UNESCO's Conventions of 2003 and 2005: Safeguarding Cultural Heritage and Cultural Diversity<sup>41</sup>

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Toussaint Tiendrebeogo<sup>42</sup>

## A few definitions

The 2003 Convention defines intangible cultural heritage as<sup>43</sup>: "The practices, representations, expressions, knowledge and skills - as well as the instruments, objects, artefacts and cultural spaces associated with them - that communities, groups and, where appropriate, individuals recognise as part of their cultural heritage".

For the 2005 Convention, the cultural expressions to be protected and promoted are "expressions resulting from the creativity of individuals, groups and societies, and having a cultural content [which] refers to the symbolic meaning, artistic dimension and cultural values which originate from or express cultural identities"<sup>44</sup>

The origins of the 2005 Convention are linked to the political and economic context of the 2000s on the interface between culture and commerce. The concept of cultural goods and services lies at the heart of the 2005 Convention and is essential to understand its scope. Although the Convention is a standard-setting framework in the field of culture, the goods and cultural services which support cultural expressions refer to categories of products covered by many free trade agreements, including books, newspapers, films, television programmes, sound recordings, visual arts and various artistic performances.<sup>45</sup>

While these two conventions are autonomous legal instruments, conceived according to distinct philosophies and specific objectives, they nevertheless maintain certain links. We will therefore try to first observe the synergies of a transversal approach to the two subjects, then we will see the limits and finally conclude on their complementarities.

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41 Speech delivered at the Colloquium "The 2003 Convention and sustainable development in Latin America and the Caribbean" organized under the framework of the Celebration of the 20th Anniversary of 2003 Convention during the Latin America and the Caribbean Week at UNESCO – SALC 2023 21 June 2023.

42 Secretary of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

43 Article 2.1 of the Convention for the Safeguarding of the Intangible Cultural Heritage.

44 Articles 4.2 and 4.3 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

45 Regards croisés sur la convention pour la sauvegarde du patrimoine culturel immatériel et la convention sur la protection et la promotion de la diversité des expressions culturelles, Presses de l'Université Laval, 2019

## Synergies

The synergies between intangible cultural heritage and the diversity of cultural expressions are profound. Intangible cultural heritage forms the basis of diverse cultural expressions and serves as a source of inspiration, creativity and innovation. It fosters a sense of identity, belonging and pride within communities, thereby strengthening social cohesion and intercultural dialogue. The diversity of cultural expressions, for its part, refers, as we have seen, to the different ways in which cultures manifest themselves through language, the arts, music, dance, literature and other forms of creative expression. It is through these diverse expressions that cultures thrive, evolve and contribute to the richness of our global heritage. A transversal approach recognises the interconnectedness of different cultural expressions and the need to promote dialogue and exchange between them. It recognises that cultural diversity is not static but constantly evolving, influenced by various factors such as globalisation, migration and technological progress. By adopting a cross-cutting approach, we can better understand and appreciate the complexities and interdependencies of cultural expressions, fostering mutual respect and understanding between diverse communities.

It is in this context that we can see that the 2003 and 2005 Conventions are united by the general objective they pursue, namely: the protection of cultural diversity as the common heritage of humanity.

Certain fundamental elements of the 2003 and 2005 Conventions have their source in the Universal Declaration on Cultural Diversity, adopted unanimously by the Member States of UNESCO on 2 November 2001.

The first article of the 2001 Declaration states that cultural diversity is one of the components of the common heritage of humanity. This approach to diversity is not new, since the notion of the “fruitful diversity” of cultures already featured in UNESCO’s 1945 Constitution. However, it has taken on a particular dimension since the advent of the globalisation of trade, including cultural trade, in the ‘80s and ‘90s. In such a context, there was a risk of homogenisation of cultures, which would inevitably have repercussions on intangible cultural heritage of communities and their potential to create, produce, distribute and disseminate their own cultural expressions.<sup>46</sup> This was a decisive factor in mobilising the international community to adopt these two instruments. This is why the fear of globalisation processes is explicitly stated in the preambles to the Convention for the Safeguarding of Intangible Cultural Heritage, adopted in 2003, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted in 2005.

The above common characteristics are not exhaustive and in no way exclude general principles such as respect for human rights and fundamental freedoms, reconciliation, exchanges and mutual understanding between peoples, cooperation and international assistance, etc.

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<sup>46</sup> Regards croisés sur la convention pour la sauvegarde du patrimoine culturel immatériel et la convention sur la protection et la promotion de la diversité des expressions culturelles, Presses de l’Université Laval, 2019

Another factor that has helped to bring the two Conventions closer together conceptually is the growing awareness of the cultural dimension of sustainable development. It is important to remember that in September 2002, during the Johannesburg Summit on Sustainable Development, a Declaration was adopted recognising cultural diversity as a collective strength that must be enhanced in order to ensure sustainable development. In this respect, the two conventions postulate the essential contribution of intangible cultural heritage and the diversity of cultural expressions to the sustainable development of societies.

## **Limits**

However, it is important to recognise the limits of a cross-disciplinary approach. Although it aims to promote inclusiveness and dialogue, it can also come up against the difficulty of striking a balance between preserving cultural diversity and adapting to changing contexts. Striking a balance between safeguarding traditions and being able to innovate and adapt requires careful thought and collaboration between communities, cultural practitioners, policymakers and other stakeholders.

These limitations also apply to international instruments. While the 2003 Convention and the 2005 Convention share the need to preserve and promote cultural diversity imposed by a common historical context, they have different approaches and tools for achieving this.

Each of the two conventions offers its own toolbox. The 2003 Convention gives priority, for example, to the compilation and updating of inventories, to which may be added other measures likely to contribute to the safeguarding of intangible cultural heritage, such as the enhancement of the latter, the designation of competent bodies to ensure its safeguarding, support for research aimed at identifying new methods of safeguarding, or the adoption of appropriate legal, technical, administrative and financial measures aimed at guaranteeing access to this heritage. The measures favoured by the 2005 Convention are of a different order, since they are essentially aimed at supporting the creation, production, dissemination, distribution and access to cultural expressions, for example through quotas, financial aid, support for public service institutions and support for artists.<sup>47</sup>

At national level, the rights and obligations of the Parties are sufficiently clear and precise without the need to dwell on elements of comparison.

On the other hand, at international level, there are quite clear differences of approach in the implementation of the two Conventions. I would just like to highlight two of them.

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<sup>47</sup> Regards croisés sur la convention pour la sauvegarde du patrimoine culturel immatériel et la convention sur la protection et la promotion de la diversité des expressions culturelles, Presses de l'Université Laval, 2019

The first indicates a more collaborative and inclusive approach by all Parties to the 2003 Convention, and a cooperative approach aimed primarily at developing countries under the 2005 Convention.

For the 2003 Convention, safeguarding intangible heritage means first identifying the heritage to be safeguarded. The safeguarding of cultural heritage is carried out at the international level on the basis of (i) the Representative List of the Cultural Heritage of Humanity (Article16), (ii) the List of Cultural Heritage in Need of Urgent Safeguarding (Article17), and (iii) national, sub-regional and regional programmes, projects and activities for the safeguarding of intangible cultural heritage. The Parties thus agree on the common denominators of their collective action, the financing of which is provided by the Intangible Cultural Heritage Fund for the benefit of both developed and developing countries.

In the case of the 2005 Convention, its implementation at international level is essentially based on the promotion of international cooperation (Article12), whereby "Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of situations of serious threat to cultural expressions, with special attention to developing countries". Implementation of the 2005 Convention at international level is also based on cooperation for development (Article14), under which "the Parties shall endeavour to support cooperation for development and poverty reduction particularly with regard to the specific needs of developing countries, with a view to fostering the emergence of a dynamic cultural sector". Lastly, it is based on Article 16, which states that "developed countries shall facilitate cultural exchanges with developing countries by granting, through appropriate institutional and legal frameworks, preferential treatment to their artists and other cultural professionals and practitioners, as well as their cultural goods and services". Thus, when the Convention was being drawn up, international cooperation was seen as being primarily directed towards developing countries. These various international cooperation mechanisms are financed by the International Fund for Cultural Diversity, but not exclusively.

The second approach concerns differentiated responses to situations where cultural diversity is under threat.

The 2005 Convention calls on States Parties in its Articles 17 and 8 call on States Parties to cooperate "to provide mutual assistance, especially to developing countries", in special situations where cultural expressions are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding. States Parties are encouraged to report to the Intergovernmental Committee on all measures taken to meet the demands of the situation. So, while the Convention mainly provides broad principles and operational guidelines that offer a global framework within which to intervene, it does not offer specific operational arrangements for the States Parties to deal with these emergency situations.

The 2003 Convention, for its part, has a much more operational arsenal with its mechanism of lists obliging States to cooperate and take action in particular on elements requiring urgent safeguarding. In addition, the Operational Directives of this Convention

explicitly stipulate that the Intangible Cultural Heritage Fund may provide technical and financial assistance to support safeguarding activities in emergency contexts. It was in this context that the Convention's governing bodies adopted the Principles and Operational Modalities for the Safeguarding of Intangible Cultural Heritage in 2020.

Here are some of the conceptual and operational limitations I wanted to outline.

## **Complementarities**

Nevertheless, consideration of the synergies and limits of a cross-cutting approach to both concepts and the international instruments referring to them, as we have just done, ultimately leads us to recognise their complementarity in the preservation of cultural diversity.

We can (and must) reaffirm that cultural expression and cultural heritage are inseparable. Intangible cultural heritage is the source of the diversity of cultural expressions. And if intangible cultural heritage is a source of inspiration for contemporary artistic creativity, it is entirely conceivable that this creativity will be intangible heritage in the future.

It is also worth highlighting the recognition of the contribution of culture to development by the 2005 Convention, which is the first binding international cultural instrument to do so: "The Parties shall endeavour to integrate culture into their development policies, at all levels, with a view to creating conditions conducive to sustainable development".<sup>48</sup> By referring to culture in its entirety, the 2005 Convention establishes an undeniable link with all the other cultural conventions, including the 2003 Convention and intangible cultural heritage.

In this sense, and following the appeal launched by Member States at the UNESCO World Conference on Cultural Policies and Sustainable Development - MONDIACULT 2022, the implementation of these two conventions in a complementary manner is more necessary than ever in order to meet the new challenges facing cultural diversity, such as technological advances, climate change, conflicts and pandemics, to name but a few.

In conclusion, I would like to quote the MONDIACULT Declaration adopted unanimously by the Member States last September in Mexico City:

*We, the Ministers of Culture of the Member States of UNESCO, [...] reiterate the individual and collective responsibility, on behalf of future generations, to ensure the conservation, safeguarding and promotion of the entire cultural sector, both tangible and intangible, as an ethical imperative, with a view to ensuring greater equity, better geographical balance and better representativeness of the heritage in all regions, as well as the promotion of cultural and creative industries, as fundamental dimensions in supporting cultural diversity and pluralism, respect for which constitutes, today more than ever, a ferment of peace and a force for creativity and innovation in building a more sustainable world.*

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48 Article 13 of the 2005 Convention.

# Twenty Years of the 2003 UNESCO Convention: **Achievements and Prospects**

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Tim Curtis<sup>49</sup>

Prior to the adoption of the 2003 Convention, only a handful of States had distinct policies or programmes, or institutional structures, focusing on living heritage safeguarding. Today, with 181 States having ratified the Convention, the value of living heritage is broadly recognized in national and regional policies and programmes around the world. This remarkable progress testifies that one of the key objectives of the Convention – to raise awareness of the importance of safeguarding the intangible cultural heritage – has globally been achieved.

At the same time, a lot remains to be done. Living heritage around the world is still under considerable threat, be it due to demographic shifts, economic pressures, environmental degradation or simply changing values and attitudes. Many of these threats are beyond the control of the practitioner communities, often linked to, or leading to, their disempowerment and destabilization, ultimately triggering negative consequences for cultural diversity and human well-being in general.

It is also important to recognize that the context in which living heritage is practiced today has moved on from what it used to be twenty years ago. Large sections of the world's population lack sustainable livelihoods, the effects of climate change are increasingly apparent, biodiversity is increasingly threatened. The use of land for resource extraction or infrastructure projects is disrupting indigenous people's lives. Education systems are struggling to meet the real needs of learners. Health systems are struggling to other types of intolerance are fueled by online platforms. Furthermore, migration and rapid urbanization require urgent and innovative responses.

The first regional cycle of periodic reports under the 2003 Convention revealed that in Latin America and the Caribbean the situation is no different. The many threats to the viability of the living heritage in the region include the lack of appropriate media coverage, loss of language skills, loss of meaning and interest among young people, the inadequate remuneration of practitioners and the uncontrolled commercial exploitation of their heritage.

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49 Former Secretary of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.

As the Convention matures into a globally recognized instrument, it has to envision creative ways to safeguard living heritage in the face of these developments. At the same time, we all need to take this opportunity to explore the power of living heritage to address these contemporary challenges, towards sustainable peace and development.

This is in recognition of the fact that living heritage represents not only a body of accumulated practical solutions for specific ecological and social challenges, but also critically underpins societal values, outlooks, resilience, and general well-being of populations. In the Latin American and the Caribbean region (LAC), the many carnivals and festivals play this role by bringing together people from different social backgrounds to participate in various cultural expressions (such as dance, music, crafts, rituals, etc.) that make possible a moment of shared values, transcending differences of gender, color, class and locality.

In this respect, living heritage safeguarding provides a multifaceted and interconnected approach which transcends the sustainable development agenda. And communities around the world need to be enabled, and explore new ways, to mobilize these incredible resources more effectively.

Over the years, evidence concerning the contribution of living heritage towards sustainable development has been generated. For example, UNESCO analyzed the relation of some 670 living heritage practices inscribed on the lists of the 2003 Convention, against the 17 Sustainable Development Goals (SDG) of the 2030 Agenda.<sup>50</sup> The results speak for themselves: some 100 listed living heritage elements were found to contribute to SDG2, Zero hunger; over 240 elements to SDG 8, Decent work and economic growth; more than 140 elements to SDG 12, Responsible Consumption and Production; and remarkable over 500 to SDG 16, Peace, justice and strong Institutions.

Indeed, many inscribed living heritage elements involve practices that have peace building at their very core, encouraging conflict resolution and mutual respect among communities. In many cases, inscribed elements contribute to highlighting the need for respect, funding and redress for marginalized communities that have faced historical discrimination and disadvantage. A few examples in Latin America include the 'Wayuu Normative System', the 'Candombe and its socio-cultural space: a community practice', or the 'Capoeira circle'.

Once again, the periodic reports from Latin American and the Caribbean provide valuable insights about the intertwining of living heritage and sustainable development. What the LAC reports noted in particular is that placing the livelihood of bearer communities at the centre of safeguarding efforts is already a reality: about two thirds of countries in the region informed living heritage-related policies and programmes for income generation and sustainable livelihoods of people.

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50 These links can be explored further on the 'Dive into Intangible Cultural Heritage' platform on UNESCO's website (<https://ich.unesco.org/en/dive>).

Noting the substantial contribution of living heritage to peaceful and inclusive societies, it is essential that sustainable development strategies at national, regional, and international levels recognize living heritage as a cultural expression in its own right. And acknowledge the importance of its safeguarding across the full spectrum of sectors related to sustainability. As underlined in the MONDIACULT Declaration of 2022, 150 States agreed that culture is a public good which must be supported by robust policy for its protection and sustainability.

In other words: culture, including living heritage, must be recognized not only as a fundamental right, but also as a key pillar of sustainability on its own. The time has come to position the Convention as a catalyst to unleash the power of living heritage for peaceful and sustainable societies. This includes working together towards the integration of living heritage in a sustainable development goal on culture in the post 2030 Agenda.

Living heritage should not only be recognized as cultural heritage and a human right imperative, but also as a multifaceted source of wellbeing and resilience and as a tool through which communities can pass on and share contextually appropriate solutions to contemporary global challenges.

UNESCO counts on the contribution of Latin American and Caribbean countries and communities to support this collective effort and make the 20th anniversary a historical opportunity and bring culture to the core of our sustainable development efforts.

I wish the Convention many successful years ahead.



# 4

## **National Intangible Cultural Heritage Policies**

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# Safeguarding Programme for Bearers of the Intangible Cultural Heritage in the Dominican Republic

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Nerva Fondeur<sup>51</sup>

## Introduction

The knowledge and techniques acquired by the bearers of traditions of the Dominican intangible cultural heritage are in danger of disappearance. This problem is due to multi-causal factors such as the decrease in the number of communities, groups and individuals that create and recreate them, the lack of resources to ensure their sustainability, among others. For this reason, they merit the formulation and implementation of proposals for the identification and protection of elements that they produce.

This serves as a strategy to guarantee its safeguarding, valorization, and promotion, as well as to ensure the systematization of procedures aimed at its implementation. Additionally, it aims to provide financial assistance to its custodians to facilitate the permanent transmission of their knowledge over time. According to the 2020-2024 Government Program:<sup>52</sup>

*Culture also comprises identity, sense of belonging, and is one of the foundations for mutual trust between citizens to build a collective project. Culture is one of the sources of social cohesiveness (...) it is a dimension of development and is part of the social foundation for the progress: but also (...) development and economy are part of the peoples' culture. In this sense, our objective is to change the perspective from assigning culture a purely instrumental role to give it a constructive, constitutive and creative role, so that development policies consider culture and its growth. All this considering as a basic principle respect for all cultures whose values are tolerant with other people, a positive attitude towards different ways of life, which subscribe to the rules of global ethics.*

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51 Ministry of Culture of the Dominican Republic.

52 General guidelines from the 2020-2024 Change Government Program of the Modern Revolutionary Party. (Version from December 2019). Document for discussion. Version 13.1.

The cultural policies of this Program scope in different areas. Among them are the tangible and intangible heritage, with the following objectives: strengthen an investigative process on new manifestations and for recognition and support to them; incorporate these cultural expressions, in the tourism development plans, and disseminate to the population the knowledge about these cultural expressions.

## **Convention for the Safeguarding of the Intangible Cultural Heritage**

The Dominican Republic ratified the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in 2006.<sup>53</sup> In order to ensure the safeguarding, development and valuation of the intangible cultural heritage in its territory, as a Convention signatory country, it must:

- a) identify and define the various elements of the intangible cultural heritage (...), with the participation of communities, groups and relevant non-governmental organizations;
- b) take the necessary measures to ensure the safeguarding of the intangible cultural heritage (...); adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into programs;
- c) ensure the widest possible participation of communities, groups and, in some cases, individuals that create, maintain and transmit such heritage, and to involve them actively in its management; and
- d) foster scientific, technical, and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger.

## **Background of the safeguarding of intangible cultural heritage in the Dominican Republic**

In the end of the 20<sup>th</sup> century, the National government and the Presidential Council on Culture from the Dominican Republic held a “Participative Diagnosis on the Cultural Sector 1997-1998”. The event was sponsored by the United Nations Development Program (UNDP) and the Cultural Reform Project,<sup>54</sup> that incorporated the “Human Heritage” category in the national inventory.

<sup>53</sup> [http://www.unesco.org/eri/la/conventions\\_by\\_country.asp?language=S&typeconv=1&contr=DO](http://www.unesco.org/eri/la/conventions_by_country.asp?language=S&typeconv=1&contr=DO)

<sup>54</sup> DOM 97/006.

This category was named according to knowledges and abilities from the persons and groups investigated: musicians, poets, writers, photographers, *decimeros* (people who write decimals), artisans, folklorists, masters, scientists, singers, dancers, intellectuals, painters, comedians, sculptors, historians, maestros, guitarists, storytellers, among others, along with manifestations from the intangible cultural heritage categorized as “Oral literature” (stories, prayers, riddles, etc.); “Musical heritage” (traditional dances and parties, religious songs, etc.); and “other cultural manifestations” (peregrinations, funerary rites, traditions and habits, among others).

After this diagnosis, in 2000 the State Department for Culture was created by Law number 41-00. In its article 1, item 2, incorporated for the first time in the definition of the country’s cultural heritage intangible elements and manifestations.

*The country’s cultural heritage comprises all tangible and intangible assets, values and cultural symbols that are the expression of the Dominican nation, such as traditions, customs and habits (...) that are material and immaterial, movable and immovable, of special historical, artistic, aesthetic, plastic, (...) linguistic, sound, musical, (...) testimonial, documentary, (...) museographic, anthropological interest and the manifestations, products and representations of the popular culture.*

Likewise, Law 41-00 on Article 5 established as a fundamental goal of the institution the “preservation of the tangible and intangible cultural heritage of the nation as a fundamental element of the national identity.”

Since its creation, the Ministry of Culture from the Dominican Republic (2000) has acknowledged, individually, persons who stand out in different areas of the national cultural work. Including bearers of traditions from the Dominican intangible cultural heritage.

Motivated by the State secretary, in 2006 the National Culture Council approved a proposal for recognition of personalities from Dominican culture.<sup>55</sup> During this session, the project “Cultural Assets” was presented, proposing placing badges in houses of personalities considered of “Cultural Value”.

Subsequently, a commission was established to develop a regulation with the new profile of declarable individuals, which was approved. Also, the project “Living Human Treasures System” was presented to the Council.<sup>56</sup>

Between 2007 and 2012, the National Culture Council validated and ratified other recognitions that were then granted to different Dominican personalities who stand out in multiple areas of the cultural work.

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55 Ministry of Culture. (2014). National Culture Council. Actas de las Sesiones Ordinarias X-XXII. Editora Nacional. Minute of the 12th Ordinary Session from the National Culture Council, held on December 6, 2006, at Sala de Arte Ramón Oviedo, p. 24.

56 Idem, Minute of the 13th Ordinary Session, held on January 31, 2007, p. 31.

In 2008, the deputy secretary of Cultural Diversity and Intangible Heritage from the Dominican Ministry of Culture proposed the creation of a program for protection to bearers of cultural expressions. This project was supported by the State Department of Public Health and the National Housing Institute.<sup>57</sup> Within the framework of this program, the Culture secretary informed about pensions and retirements of 54 people in “Popular Culture” – among them several *bachata* musicians and an accordionist.

In 2009, the minister of Culture submitted to the National Culture Council a list of personalities that will be recognized in different areas of cultural work with the denominations of “National Glory of...”, “Glory of...” and “Cultural Asset of the Nation”. Among these recognitions a “Master of the Dominican Gastronomic Culture” was included.<sup>58</sup>

Other recognitions with equal denominations were approved by the National Culture Council in 2010. Furthermore, new recognitions were added, such as “great Dominican carnival songwriter” and “great artistic value”.<sup>59</sup>

Last year, the reform to the Dominican Constitution incorporated cultural rights, establishing that: “the cultural heritage of the nation, material and immaterial, is under safeguarding of the State, which will ensure its protection, enrichment, conservation, restoration and valuation” and that the State will:

*Establish policies that promote and foster (...) different manifestations and expressions (...) popular to the Dominican culture, as well as foster and support the efforts from individuals, institutions and communities that develop or finance cultural plans and activities;”*

*Recognize the value of the cultural, individual and collective identity, its importance for the full and sustainable development, the economic growth, innovation and human well-being, through support and promotion of scientific research and cultural production. It will protect the dignity and integrity of culture workers.”<sup>60</sup>*

Between 2011 and 2012, three sessions of the National Culture Council approved new recognitions and distinctions with the denominations “Cultural Asset of the Nation”, “National Glory”, “Dominican Cultural Value” and “Glory of...”<sup>61</sup>

57 Idem, Minute of the 15th Ordinary Session, held on August 6, 2008, pp. 44-45.

58 Idem, Minute of the 17th Ordinary Session, held on August 12, 2009, p. 81.

59 Idem, Minute of the 18th Ordinary Session, held on January 20, 2010, p. 93.

60 Section III. On cultural and sports rights. Article 64, items 1, 3 and 4.

61 Idem, Minutes of the 19th Ordinary Session, held on January 19, 2011; 20th Ordinary Session, held on August 30, 2011; and 21st Ordinary Session, held on February 21, 2012, pp. 112, 130 and 146, respectively.

Likewise, other Dominican government institutions have granted recognitions and assigned different denominations to prominent Dominican personalities, living and deceased. It also included bearers of elements from the national intangible cultural heritage.

With the objective of ensuring their protection, several cultural elements and manifestations have been declared Dominican intangible cultural heritage, by decision of the National Congress and through a sentence of the Constitutional Court. In this way, the Ministry of Culture was in charge of implementing legislation with the purpose of taking the necessary actions to protect, conserve, safeguard and promote the intangible cultural heritage of the nation. This, through the implementation of general support programs and “participating in the organization and development, together with the organizers, participants, sectors and state entities that intervene in its celebration.”<sup>62</sup>

None of these declarations followed the guidelines of the Convention for the Safeguarding of the Intangible Cultural Heritage from UNESCO<sup>63</sup> accepted by the National Congress through Resolution number 309-06 from 2006.<sup>64</sup>

Previously, UNESCO had incorporated the Cultural Space of the Brotherhood of the Holy Spirit of the Villa Mella (2001) and the Cocolo Dance Drama Tradition (2005), in the list of Masterpieces of the Oral and Intangible Heritage of Humanity. This international distinction was created before the Representative List (LR) established by the 2003 Convention.

In 2006, by Resolution number 309-06, the National Congress accepted the 2003 UNESCO's Convention. In the framework of this new instrument, other elements from the Dominican Republic were included in the Representative List: the Dominican merengue music and dance (2016) and the Dominican bachata music and dance (2019).

## **Guidelines for creation of the Program for the Safeguarding of Bearers of Elements and/or Manifestations from the Intangible Cultural Heritage of the Dominican Republic**

UNESCO Member States were recommended to create national systems of “Living Human Treasures,” through the guidelines established by this program.<sup>65</sup> For this purpose, the definition and implementation of legal or administrative provisions had to be considered, with the aim of ensuring the safeguarding of the elements of intangible cultural heritage in all its stages. In this sense, the following themes were suggested in the creation of the new programs:

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62 Law number 526-14 that declares the Cocolo Dance Drama Tradition. Art. 3. Responsibilities from the Ministry of Culture.

63 Approved by Resolution number 309-06 from the National Congress and promulgated on July 17, 2006.

64 Official Gazette issue 10372 from July 17, 2006.

65 Guidelines for the establishment of national “Living Human Treasures” systems on <https://ich.unesco.org/doc/src/00031-ES.pdf>

- 1.1 Legal framework.
- 1.2 Areas of the intangible cultural heritage to safeguard.
- 1.3 Administrative organization.
- 1.4 Criteria and procedures for selection of bearers.
- 1.5 Rights and obligations of bearers.
- 1.6 Measures for the safeguarding of elements.
- 1.7 Other possible measures.

Equally, this program highlighted the importance of these provisions. Emphasizing that they must have the active participation and consultation of the communities, groups and individuals who bear the traditions. Through the execution, representation or reproduction of the elements of exceptional value that they produce and that are considered as relevant and significant for their bearers and for the communities they represent.

The specific objectives of the program aim to:

- a) The definition of the procedures and criteria for public recognition of people and groups with knowledge and practices about certain elements of the Dominican intangible cultural heritage:
- b) The safeguarding knowledge and significant practices of the manifestations of the Dominican intangible cultural heritage;
- c) The implementation of permanent assistance for the sustainability of recognized bearers of elements from the Dominican intangible cultural heritage; and The creation of strategic alliances with other public and private institutions for the safeguarding of manifestations from the Dominican intangible cultural heritage and for recognition of their bearers.

The areas of Dominican intangible cultural heritage to be safeguarded are the knowledge and practices of people or groups that bear manifestations of intangible cultural heritage. These areas are in accordance with what was established in the UNESCO 2003 Convention.

The Intangible Cultural Heritage Commission will be chaired by the Vice Ministry of Cultural Heritage. It will invite and convene the members of the Commission to meetings deemed necessary in order to select the individuals, groups and communities to be recognized. Among its functions, the Commission must review and approve the regulations for the implementation of the program and periodically monitor the safeguarding of the intangible cultural heritage incorporated into the system.

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## 20 Anniversary of the 2003 Convention: **The Mexican Experience**

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Edaly Quiroz Moreno<sup>66</sup>

Carmen Ruiz Hernández<sup>67</sup>

The Convention for the Safeguarding of the Intangible Cultural Heritage has placed at the center of analysis the deep meaning of popular cultures and intangible forms of culture. The anniversary of this international instrument is an opportunity to reflect on how it was implemented in Mexico. This reflection process requires reviewing the historical development of culture institutions nationwide and how they are related to the communities of bearers and to the enforcement of their cultural rights.

The institutions, legislation, policies, and cultural programs in Mexico have shaped the understanding of this important instrument of global impact. This is further compounded by Mexico's status as a country with great cultural richness, inherited from important pre-Columbus cultures and the encounter with Europe, Africa and Asia. Indeed, 68 national indigenous languages prevail in the country, remaining the main medium for transmission of ancestral knowledges, traditions, and world views. They are a testimony to this cultural wealth and the complexity resulting from wanting to name it, characterize it, inventory it.

The Mexican government has the duty of conducting the necessary actions to fulfill the obligation to ensure the cultural right to heritage. As well as to preserve the multicultural character of the country and the cultural rights of Mexicans. It was established on articles 1, 2 and 43 of the Political Constitution of the United Mexican States, and on articles 15, 16 and 17 of the General Law on Culture and Cultural Rights.

Mexico's legal framework highlights the creation of institutions such as the National Institute of Anthropology and History (1939); the National Institute of Indigenous Peoples (1948); and the Directorate-General of Popular, Indigenous and Urban Cultures (1978). These institutions have sustained their work in the important anthropological tradition that has been developed in the country. This anthropological tradition results from community work

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produced by the knowledge, permanence, and dissemination of cultural diversity, particularly among indigenous peoples. In addition, these institutions were part of the analysis for public recognition of multiculturalism, as well as the process of understanding culture as a human right. The acceptance of the State responsibility in such matters developed before, during and after the 2003 Convention was approved and ratified by Mexico.

As of 2015, the Department of Culture from the government of Mexico is juridically responsible for implementing the Convention for the Safeguarding of the Intangible Cultural Heritage. Therefore, it has placed at the center of its public cultural policies the importance of fostering and respecting cultural diversity, popular cultures and the Intangible Cultural Heritage (ICH). It gives continuity to iconic programs for revitalization of local and community cultures. On the other hand, giving a particular focus at the training of cultural managers, through its branches and government programs, such as the Program for Multilingual and Community Cultural Actions (PACMyC). These programs usually evolve young indigenous language speakers who act as spokespersons between instances of the three government levels and the bearer communities they belong to. Furthermore, the projects conducted by the National Institute of Indigenous Languages (INALI), prioritize the community management by bearers over their cultural heritage.

The Department of Culture has established the National Commission on Intangible Cultural Heritage (CONPCI) with the aim to give a response to the commitments assumed within the framework of the 2003 Convention. By drawing upon the collaborative work carried out by the cultural sector over the past 15 years, initiatives have been proposed to monitor communities, peoples and bearers of ICH in safeguarding self-management processes. Additionally, efforts are being made to create conditions for this cultural heritage to be reproduced and transmitted to new generations. Currently, the cultural policy has focused on boosting initiatives that promote and ensure the collective rights from an inclusive, non-discriminatory standpoint.

However, there are areas of opportunity that require a work of coordination and harmonization of the principles established in the 2003 Convention. Particularly, among different sectors and players that must necessarily be involved in the safeguarding of the ICH, such as education, environment, healthcare, economic development. Institutions dedicated to issues on gender and peacebuilding are needed. It also highlights the importance of joint actions with Non-Governmental Organizations and private initiative.

It is worth stressing the work from different governmental organizations that are nationally connected to community participation. The Directorate-General of Popular, Indigenous and Urban Cultures from the Department of Culture has boosted the Program for Multilingual and Community Cultural Actions (PACMyC) for 30 years. Its work aims at strengthening cultural development. This is done through the annual granting of financial support to cultural projects of community groups, creators, and practitioners of uses and

customs, native languages, rites, practices and traditions of popular culture. These elements make up the Intangible Cultural Heritage of indigenous, mestizo and Afro-descendant peoples of rural and urban areas of Mexico. This program has simple operating rules and is easily accessible to communities throughout the country. In addition, it stimulates local participation and promotes community initiatives, since they are based on their own needs, and are also managed and carried out by the community itself.

Another initiative developed by the Department of Culture is “Original”. This is an action focused on Mexican textile art, especially indigenous creators. It is based on a decalogue of good practices and fair trade, with principles such as respect to collective rights from creative communities and peoples in Mexico about their cultural heritage. Additionally, it focuses on the preservation and promotion of techniques and materials used for their creations. Also including respect for the conditions that creative peoples and communities from Mexico established for the use, reproduction and production of their creations, as well as respect to their production times and fair payment. Finally, the fight against any practice that encourages the misappropriation and abusive appropriation of designs, iconography and creations owned by creative peoples and communities in Mexico.

Incidentally, the Mexican government issued in early 2022 the Federal Law on Protection of Cultural Heritage from Indigenous Peoples and Communities. It was adopted with the purpose of recognizing and ensuring the right of ownership over elements that form their cultural heritage, traditional knowledges and cultural expressions, as well as collective intellectual property over such heritage. It is worth highlighting that this legislation was finally enforced, after decades of peoples and their organizations demanding to legislators and rulers the defense to their cultural rights as much as to their social and political rights.

Mexico has also strengthened initiatives that promote the revitalization of its linguistic, food, artistic diversity and the different areas of ICH, through formative and promotion actions.

For example, in 2010, a meeting called ‘Of Tradition and New Rolas’ was created for young people from native populations. The term ‘rolas’ is a synonym used by youngsters to refer to their compositions across generations. This event serves as a national platform to consolidate and explore proposals that blend indigenous oral, poetic, and musical traditions with music cultures from various origins.

In 2021, only two dozen teenagers participated, but in 2022 and 2023, there were over a hundred participants each year. Also, year after year new young creators have come, with proposals based on their traditions and their language.

In parallel, several instances and sectors of the Mexico government implement multiple actions that are significantly related to the safeguarding of the ICH. The Directorate of Traditional Medicine and Intercultural Development from the federal Department of Health, for example, offers qualification courses aimed at healthcare personnel, such as the course

*Interculturality and gender in the context of human rights.* This training addresses specific themes related to traditional knowledges of indigenous peoples, culture and worldview, cultural diversity and identity, traditional medicine and human rights. They have the objective of raising awareness among healthcare personnel about cultural rights concerning their health and the need to transform institutional services and the legal framework to operate considering other perspectives.

The project “Health and traditional medicine from Totonacos”, developed in the framework of the State of the economic and social development of the Totonaca region, provides another illustrative example of the work carried out by the Indigenous Arts Center (CAI) in Veracruz. It was inscribed in 2012 in the Registration of Good Practices for the Safeguarding of Intangible Cultural Heritage, in collaboration with the University Program for Studies of Cultural Diversity and Interculturality – PUIC-UNAM. Several activities have been conducted through this project: workshops, qualifications, consultations, field works, development of educational materials, dialogs, etc. These activities were developed together with the traditional doctors of Totonacapan and for the benefit of themselves. The specific objective of the project is the creation of the Totonaca School of Traditional Medicine, as an educational model for intergenerational transmission.

With innovative methodology, the project started with a pilot plan, the *Xaliskgalalan likuchun* / Certification Program in Traditional Totonaca Medicine. The project included a theoretical-practical teaching program with main goal of training specialists in traditional Totonaca medicine. These specialists are capable of promoting the recognition of traditional knowledge from indigenous peoples, aimed at preserving both biological and cultural diversity. Additionally, the project aimed to establish connections between traditional medicine and conventional medicine, home remedies, as well as alternative or complementary medicine.

On the other hand, there is also the work conducted by Conservatorio de la Cultura Gastronómica Mexicana. This NGO was accredited by UNESCO for consulting purposes. It has collaborated with the federal Department of Public Education in the development and implementation of the qualification standard “Preparation of traditional and popular cuisine”. It was established with the aim of being a benchmark for assessment and certification of individuals who work as traditional cooks. These are people who have learned this abilities in an oral and customary manner according to ancestral practices from their community and/or individuals who work at the kitchen of a food and beverage enterprise that offers traditional Mexican cuisine. Within the framework of this initiative, since 2018 the first ten traditional cooks and practitioners have been certified.

It is worth highlighting that, to be certified as a traditional cook by this standard of competence, it is not necessary to have any professional diploma. It is open to everyone who has worked as a traditional cook, and the criteria for assessment are also structured based on the deep meaning of what traditional Mexican cuisine is.

It is also crucial to mention the work conducted by the federal Department of Education and the National Educational System from Mexico. It is based on a series of general regulations established by this Department and it aims at ensuring the recognition and valuing of cultural and linguistic diversity from the plan and national education programs. However, each state has autonomy for developing and adapting their own study plans and respective educational materials, according to their local context.

The General Law on Education in force promotes an education based on cultural identity, as well as the sense of belonging and the respect from interculturality. But as already mentioned, local educational guidelines, plans and educational materials are developed at the state level. The design and structuring of the project involve a highly diverse group of specialists in pedagogy and teaching. This includes teachers and pedagogues from indigenous communities and peoples, who contribute their traditional knowledge and wisdom to develop culturally relevant educational materials.

For example, in Guanajuato, in central Mexico, study plans consider educational actions targeted at showing students the reality from different cultural and social standpoints. It helps them to understand the world from different logics of building the reality and, thus, contribute to the recognition and valuation of cultural diversity. Similarly, strategies aimed at promoting intercultural dialogue and fostering equitable and respectful coexistence among linguistic and cultural differences are implemented. These strategies are executed from a standpoint of valuing and learning from differences, which ultimately contributes to the construction of peace.

In the field of extracurricular education, more convincing actions related to the knowledge and dissemination of ICH have been undertaken. These actions include artistic activities such as declamation, theater performances, poetry recitals, dance performances, musical presentations, gastronomic demonstrations, and more.

The figure of the Cultural Missions also stands out in the northern states of Mexico like Coahuila that belong to the Directorate of Extracurricular Activities. These states carry out activities related to retrieving traditions, as well as the valuation and recognition of the Intangible Cultural Heritage, since their main objective is to promote the economic, cultural and social improvement of rural and suburban communities.

Nevertheless, challenges have been identified in the ICH-Education relationship. Indeed, given the dynamics of the ICH in Mexico and the strong presence of indigenous languages, its local approach is closely related to teaching languages by connecting them to festivities or traditions, often with a folklore character and out of context. For this reason, it is necessary to work on actions targeted at connecting the education planning with the concept and different dimensions and scopes of the ICH.

The National Institute of Indigenous Languages (INALI) is a decentralized organization from the Department of Culture. Its objective is to promote the strengthening, preservation and development of indigenous languages spoken in the national territory, the knowledge and use of the nation's cultural richness. It also advises the three government levels to articulate public policies on the matter. Among its lines of work, there is the transmission and diffusion of mother languages. In this context, INALI has published writing normatives in a bilingual version of the languages: *Tselal, Tsotsil, Mam, Mocho', Kakchikel, Ch'ol, Otetzame, Tojol-ab'al, yoremnokki, Jiak Noki, O'otam, Oichkama No'oka/Oishkam No'ok, Tének, Tutunakú, Cmique litom, Maayat'aan, and Hñáhñu.*

It has also published the alphabets from *Tselal, Tsotsil, Mam, Mocho', Kakchikel, Ch'ol, Otetzame, Tojol-ab'al, yoremnokki, Jiak Noki, O'otam, Oichkama No'oka/Oishkam No'ok, Tének, Tutunakú, Cmique litom, Maayat'aan, Bot'una (Matlalzínca), Tu'un Savi (Mixteco), Pjiekakjo (Tlahuica), Úza' (Chichimeca Jonaz), Lhima'alh'ama/Lhimasipij (Tepehua), and Hñáhñu (Otomí).*

These normatives are distributed in indigenous schools with the support of the participants in the development of normatives, academies, intercultural universities and schools from the Directorate-General of Indigenous Education, among others. They are available on its official website.<sup>68</sup>

INALI has also assisted and processed 13 translations of the Mexican national anthem into the languages: *Tutunakú*, south central Totonaco, *Úza'* (Chichimeca Jonaz), Zapoteco from the low northwest valleys, *Maya, Hñáhñu* (Otomí), *énná* (Southern Mazateco), low southeast Chinanteco, top center Mixe, central Veracruz Náhuatl, *P'urhepecha, Cmique litom* (Seri), *Kuapá*. In addition, it has applied to the Ministry of the Interior to authorize its use in the country's indigenous communities.

Educational materials have been developed about variations of four linguistic groups that comprise the sub-branch: *Úza'* (Chichimeco Jonaz), Chichimeco Jonaz/Spanish Compendium; *ÚZA', Bot'una* (Matlaltzinca) Matlaltzinca/Spanish Compendium; *BOT'UNA, Jñatjo* (Mazahua); Doctrine and teaching in the Mazahua language: philological study and interlinear edition of bilingual text from Nájera Yanguas; *Jizhi, Xoru Jnatjo*; Educational Manual for collective learning of the Mazahua language (Book and Record); *Mazahua/Spanish Compendium; JÑATJO and T'éñe jñatjo*, Memory game in Mazahua; *Hñáhñu* (Otomí) *He'mipomuhñä ar Hñähño ar Hñämfo Ndämaxe*i, Bilingual Otomí-Spanish Dictionary from the State of Querétaro, Vol. I A-L, Vol. II M-Ñ, Vol. III O-Z; *Hmämbät'ot'e yá Nt'epi yä Hñäki yä*

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68 <https://www.inali.gob.mx/es/difusion/publicaciones.html>.

Hnini Mudi Mem'onda, Terms extracted from free textbooks in Hñahñu (Book and Record); Otomí/Spanish Compendium; and HÑÄHÑU. Hñahñu Alphabet Cards.

The translation of the General Law on Linguistic Rights of the Indigenous Peoples into Otomí language is also a highlight.

Concerning the participation from higher education instances in the safeguarding of the ICH, on one hand we have the model from Intercultural Universities. These are public higher education institutions. Their objective is to contribute to achieving greater equity in the distribution of opportunities for educational development in the country, characterized by their quality and linguistic and cultural relevance.

With these schools, the aim is to offer opportunities for professional academic development and research to young rural populations of diverse cultural origins. Its educational offer is of 36 bachelor's degrees, six master's degrees, and four doctorates with four axes of work: Language and Culture, Discipline, Community Bonding and, finally, Social-cultural and Axiological.

Currently, there are 12 Intercultural Universities in the states of Sinaloa, Estado de México, Tabasco, Puebla, Chiapas, Veracruz, Quintana Roo, Michoacán, Guerrero, San Luis Potosí, Hidalgo, and Nayarit. It is worth highlighting that they are located in places with higher indigenous and rural populations.

In Mexico, there are independent initiatives, promoted by non-governmental players, such as the Superior Intercultural Institute Ayuuk in Oaxaca (belonging to the Jesuit university system), the Autonomous Communal University of Oaxaca, the Intercultural University of the Peoples from South Guerrero, and the Indigenous Rural Network University in Puebla and Chiapas.

On the other hand, there is also the case of the University Program of Studies on Cultural Diversity and Interculturality from the National Autonomous University of Mexico. Its work with the Indigenous Arts Center had already been mentioned. The objectives of this institution are to conduct, promote, and coordinate disciplinary or interdisciplinary research studies of theoretical and methodological nature applied to social issues in Mexico and other regions. This is done within the framework of cultural diversity and interculturality, aiming to generate and contribute new knowledge to the humanities and social sciences. Additionally, the institution seeks to achieve a comprehensive understanding of the fundamental social, community, or family structures in Mexico

The Program also develops the faculty project "Mexico, Multicultural Nation". This project started its activities as an optional subject at UNAM in 2002. It is currently taught in a total of 11 higher education campuses. The program contributes to the training of students from the field of cultural diversity in bachelor's degree courses such as Law, Political Science, Architecture, Philosophy and Literature, Economy, Social Work, Design, Medicine, Science, among others.

## **Mexico and the international cooperation in the context of the 2003 Convention**

Mexico has a long tradition in international cooperation. Especially in Intangible Cultural Heritage, several projects have been conducted giving a testimony on the important impact the exchange of experiences and good practices with other nations has had to the country.

For example, in 2020 a course was held to strengthen capacities around the Intangible Cultural Heritage. It was executed in collaboration with the Ministry of Culture from Colombia. The course was implemented as part of the commitments assumed through the Cultural, Educational and Sports Cooperation Agreement between Colombia and Mexico 2018-2021. The activity targeted bearers, cultural promoters, managers and other actors involved in its safeguarding in Mexico. Its main objective was to strengthen the technical capacities from participants, coming from different regions of Mexico. It sought to motivate community self-management of cultural heritage among ICH-bearing communities regarding its safeguarding, based on the experience in the development of special safeguarding plans in Colombia.

This drove Mexico to structure, for the first time since the country ratified the 2003 Convention in December 2005, the strategy for strengthening the self-management capacities for the safeguarding of the Intangible Cultural Heritage. This strategy is currently being implemented in Mexico, and that has been a turning point in the process of implementing the 2003 Convention in the country.

The Mexico-Colombia collaboration has definitely demonstrated that strengthening the institutional collaboration bonds, especially in cultural and educational projects, contributes to the social development of countries and their populations. Thus, one of the most significant premises from the 2003 Convention and from UNESCO itself is fulfilled.

However, it is important that the aspect around the Intangible Cultural Heritage expands and becomes stronger, especially for countries in the Latin America and Caribbean Group (GRULAC). In other words, collaboration is crucial, especially with countries sharing similar cultural and institutional contexts. Additionally, it's essential for the region to establish new cooperative ties with different parts of the world to create opportunities for dialogue, exchange of experiences, and sharing of best practices. Therefore, there's a need to enhance the professional capacities of various stakeholders involved in safeguarding ICH, particularly in terms of international cooperation. It's also necessary to effectively evaluate and measure collaborative projects and secure technical and financial support.

In this sense, the work conducted by the Regional Center for the Safeguarding of the Intangible Cultural Heritage for Latin America and the Caribbean (CRESPIAL) has been crucial in structuring a regional cooperation network. However, it is mandatory to strengthen it and expand the themes in which it has revolved around until now. Emphasizing the formation of facilitators and fostering the cross-articulation between different sectors with assignments related to the safeguarding of the Intangible Cultural Heritage, with the goal of promoting its full, in-depth approach.

# Policies to Safeguard Intangible Cultural Heritage in Brazil

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Marina Lacerda<sup>69</sup>

The Policy for Safeguarding the Intangible Heritage developed in Brazil is considered a good example of safeguarding action since its origins, in the year 2000. The perspective of valuing and promoting traditional knowledge and crafts, festivities and celebrations, forms of expression, as well as places for producing and reproducing collective cultural practices, with the goal of supporting and fostering their transmission and continuity to new generations, and especially the assumption of shared management between government and owner communities, contributed to the development of the Convention for the Safeguarding of the Intangible Cultural Heritage. It was approved in 2003 by the United Nations Educational, Scientific and Cultural Organization (UNESCO), marking the first international instrument on the topic. It was ratified in Brazil through Decree number 5753/06. These aspects were already practiced in Brazil through sparse policies systematized in legislation. Herein, I'll discuss these items, the formation of the Brazilian legislation and the heritage policies resulting from them.

It is worth mentioning that the Brazilian experience was also used as support to the creation of the Regional Center for the Safeguarding of the Intangible Cultural Heritage from Latin America and the Caribbean (CRESPIAL). Nationally, in Brazil, several states and cities have used the federal policy as foundation and inspiration for developing local legislations.

In general, the safeguarding policy promotes the valuation of the country's cultural diversity, fostering research, documentation and execution of actions that improve the conditions for supporting the collective cultural practices and knowledges from different peoples and social groups that comprise the nation, including indigenous people, Afro-descendants, immigrants and traditional communities, among others. This protection is extremely important if we consider that Brazil is a country of continental dimensions, with major ethnic and cultural diversity, and such diversity is reflected in the intangible heritage.

In Brazilian history, the recognition of the role of popular expressions in the formation of our cultural identity takes us back to the 1930s. It is part of the context for creation of the Brazilian Historic and Artistic Heritage Institute (IPHAN). The recognition of these cultural

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manifestations was included in the blueprint for the creation of IPHAN, developed by Mário de Andrade in 1936. Despite not being executed for a long time, the idea was resumed in the 1970s by the National Center of Cultural References (CNRC) and then by the National Pro-Memory Foundation (IPHAN 2010). In this period, significant research and documentation actions were executed, which, despite their experimental and non-systematic nature, had an important impact on the theme, resulting in the consolidation of a broader notion on cultural heritage.

This notion was incorporated by the articles 215 and 216 of the 1988 Brazilian Federal Constitution, also known as Citizen Constitution, which established the need to develop other forms of protection and preservation, in addition to the landmark proclamation (an instrument applied to the so-called “brick and mortar” heritage, in reference to the importance given by IPHAN to heritage buildings of colonial Portuguese origin). Notably influenced by academics from the History and Social Science field, the constitutional provision to new forms of protecting the cultural heritage was outlined considering elements that until then had been virtually absent in the public policy action implemented by IPHAN: the forms of expression and the forms of creating, making and living. This happened because the subscription, despite already being a consolidated recognition instrument, was conceived and applied to address material aspects from cultural assets, not aspects and values of intangible nature.

When the Decree number 3551 from August 4, 2000 was promulgated, the National Intangible Heritage Program (PNPI) was created. Over time it has turned into a set of principles, guidelines, work processes and instruments applied by the Brazilian Historic and Artistic Heritage Institute (IPHAN) for preservation, valuation and promotion of the intangible heritage in Brazil. The PNPI has the main goal of promoting the identification, valuation and safeguarding of the Brazilian intangible heritage.

In its turn, the Policy on Safeguarding of the Intangible Heritage, built throughout these 23 years, is intertwined with the National Intangible Heritage Program. According to Article 1, Paragraph 2 of the IPHAN Resolution n. 200, from May 18, 2016:

*Paragraph 2. The Policy on Safeguarding of the Intangible Heritage is an integral part of the National Intangible Heritage Program, expressing its goals, principles and guidelines in the form of public policy.*

It is a policy based on some fundamental principles, such as respect to cultural diversity, participation in communities of bearers of cultural manifestations, valuation of traditional knowledges, promotion of cultural sustainability, and incentive to the inter-cultural dialog. It develops actions in different areas, such as research, documentation, qualification, outreach and financial support. With this purpose, this policy aims at fostering, through different fronts, the conduction of research about intangible heritage, documentation of cultural manifestations, qualification of professionals and cultural agents, the dissemination

of expressions, and the promotion of safeguarding projects and actions. These areas will now be discussed.

The first area established in the Policy on Safeguarding of the Intangible Heritage of Brazil is the promotion of the conduction of inventories. It consists in identifying and mapping intangible cultural manifestations throughout the national territory. These actions have the goal of knowing and valuing the cultural diversity in Brazil and support actions for preservation and promotion of the intangible heritage.

The projects for identifying the intangible heritage in Brazil were executed mainly through an identification instrument developed by IPHAN, named National Inventory of Cultural References (INRC). It has turned into one of the main identification instruments for IPHAN and been widely used since its launch, in the year 2000. Since the beginning, INRC was conceived as a tool for documentation about territories and cultural assets and as a database about these assets and their contexts of existence. The idea was both to map the cultural assets understood as references for communities and social groups in a given territory and to understand that the territories and social-cultural realities are formed from certain cultural assets and their scopes. Therefore, the identification projects executed using INRC have been characterized as territorial or themed inventories. It is worth highlighting that, in the case of Brazil, making an inventory does not mean recognizing, since the inventoried assets have an elaborate database, but aren't yet on the list of assets acknowledged as Brazil's cultural heritage.

They may be included in this list, but must go through the Registration process. Currently, INRC is in the process of being updated and migrated to a new version, which is ready to kick off pilot projects. This will help IPHAN to test in practice its new setup and the features of the computing system that supports it. In addition to making small enhancements and generating evaluations about the needs for developing the system that will display online all projects conducted in those 23 years and will allow following the new projects while they are executed. The proposal is for the new INRC to turn into a digital governance tool where institutional partners, citizens interested and, especially, bearers of cultural assets and their communities can not only access data about such assets, territories, agents and communities, but also participate actively and directly in the effort by IPHAN to know and document the Brazilian cultural heritage.

Concerning the idea of identification, the IPHAN Resolution number 200, from May 18, 2016, regulating the National Intangible Heritage Program (PNPI), indicates the goal of the identification actions within the scope of intangible heritage, that is, "produce knowledge and documentation – in text, sound, visual and audiovisual – about the intangible heritage through the use of instruments and specific methodologies, with the purpose of safeguarding the cultural assets and support public policies."

As a specific instrument for identification, INRC starts with the concept of Cultural Reference. The term that appeared to name the former National Center of Cultural References (CNRC), created by Aloísio Magalhães in 1975 and later incorporated to IPHAN. It was responsible for the first experiments in identification of cultural assets coming from social segments that had been poorly served by policies on preservation of cultural heritage until then. Such as indigenous people, settlers in rural regions, artisan workers and popular cultures. Since then, actions coming from the idea of Cultural Reference have considered the issue of social participation in the field of heritage policies as essential for managing public policies on preservation. They aim at reflecting the viewpoints from persons and groups bearers of knowledges and ways of life who produce the cultural assets in their life contexts, from social relations, life dynamics, conflicts and transformations these social groups go through in their history.

According to the IPHAN Resolution number 200/2016, on its Article 2, Item V, the Cultural Reference is defined as “the meanings and values of differentiated importance assigned to different domains and practices from the social life (feasts, knowledges, crafts, places and forms of expression, etc.) that, therefore, comprises points of reference of identity and memory for a certain social group.” Executing identification actions through the INRC must, therefore, be centered in the mediation, dialog and attentive listening on what the communities of bearers of cultural assets need to express about the values and meanings they assign to the cultural assets, that is, what is a reference to them in relation to their social-cultural contexts.

As we are trying to demonstrate, the Policy on Safeguarding of the Intangible Heritage is an important tool for preservation and valuation of the Brazilian intangible heritage, since it aims at ensuring the continuity and transmission of cultural manifestations, promoting cultural diversity and respect to traditions and knowledges from communities. Despite the aforementioned instruments, it is important to explain a bit more about another instrument for valuation of Brazilian cultural diversity: the National Inventory of Linguistic Diversity (INDL).

It is estimated that over 250 languages are spoken in Brazil among indigenous, immigrants, sign languages, creole and Afro-Brazilian languages, in addition to Portuguese and its variants. This cultural heritage is unknown by a considerable part of the Brazilian population, accustomed to seeing Brazil as a country that speaks only one language (IPHAN, 2014). As a strategy to value Brazilian cultural diversity, the Decree number 7387 from 2010 established the National Inventory of Linguistic Diversity (INDL) as an official instrument for identification, documentation, recognition and valuation of languages spoken by the different groups that comprise Brazilian society.

Through IPHAN and the Ministry of Culture (MinC), Brazil has recognized to this date seven languages as Brazilian Cultural Reference. Some of them are the Asurini language,

belonging to the Tupi trunk (with reference to Pará); the Guarani M'bya language, identified as one of the three modern varieties of the Guarani language; and the languages Nahukuá, Matipu, Kuikuro and Kalapalo, from the Karib linguistic family and spoken in the Upstream Xingu region (MT). Another recognized language is Talian, formed from the contact among different languages originated in Italy, from where a large group of immigrants went to Brazil. It is spoken especially in regions with strong rural influence, in the states of Rio Grande do Sul, Santa Catarina, Paraná, Mato Grosso and Espírito Santo (IPHAN, 2014).

As an instrument of heritage recognition, there are some requirements to include languages in the INDL: the language must be a reference for the memory, history and identity of different social groups; it is necessary to demonstrate that the language exists as part of the social life of a community, whether in everyday uses or in special situations, or preserved in the knowledge from its last fluent speakers; the community to which the language serves as reference must have been in the Brazilian territory for at least three generations (IPHAN, 2014).

In addition to the inventories, another important instrument from the Safeguarding Policy is the Record of Intangible Cultural Assets, which officially recognizes cultural manifestations as intangible heritage of Brazil. This registration is made by IPHAN and aims at valuing and protecting cultural expressions, ensuring their continuity and transmission to future generations. In general, it is possible to say that the Record is an instrument analogue to "Landmark Proclamation", but related to intangible assets, while the Landmark Proclamation applies to material assets. Although this distinction has no conceptual meaning, since all material assets have intangible dimensions and intangible assets have material supports, from the standpoint of public policies and, therefore, for management purposes this distinction still makes sense.

The Record of intangible cultural assets was the instrument developed to select cultural assets officially recognized by the Brazilian government, being an important tool for valuing cultural manifestations that form the country's identity. This instrument for protection has the goal of identifying, documenting and safeguarding the cultural expressions considered relevant to the identity and cultural diversity of Brazil, aiming at ensuring the continuity and transmission of such manifestations to future generations, as well as promoting their valuation and promotion through coordination actions and direct support.

The process of registering the intangible heritage implies several steps. First, research and identification of cultural manifestations that may apply to the registration are conducted. Such research can be made by researchers, local communities, cultural institutions and other players involved in the preservation of the intangible heritage. It can also be performed through INRC.

After the identification, analysis and evaluation of cultural manifestations candidate to registration are conducted. Criteria such as cultural relevance, continuity of the practice,

transmission between generations, community participation, and importance to the cultural identity of the country are taken into account. Once a cultural manifestation is selected for the registration, a technical document with detailed information on the cultural expression, its history, practices and cultural importance is prepared. Such document is presented to IPHAN for analysis and approval. The presidential decree was considered the most adequate legal instrument to institutionalize the intangible heritage registration, since, in this case, its purpose was to regulate a constitutional rule, without implying restrictions or limitations to the right of ownership or the creation of obligations for other instances of the public power, except for the Ministry of Culture.

The registration process, similar to the Landmark Proclamation process, starts with opening an administrative process to compile documentation and assess the cultural relevance of the asset, sending the final decision to a higher instance – in this case, the Cultural Heritage Consulting Council. The novelty concerning the Landmark Proclamation is the collaborative work that will necessarily be performed during the instruction of this process. Coordinated by IPHAN, which will also be in charge of issuing a technical ruling about the proposals, the instruction is conducted in collaboration with other public and private institutions, with the goal of taking advantage of the knowledges already produced and accumulated about these cultural manifestations.

Listing the asset in one of the four Books established on Decree number 3551/2000, based on the categories identified in the research phase, is the culminating act in the registration process. These books are respectively named: Book of Knowledges, for registration of knowledges and crafts ingrained in the everyday life of communities; Book of Celebrations, for festivals, rituals and entertainments that mark the collective experience of work, religion and other social life practices; Book of Forms of Expression, for listing literary, musical, plastic, scenic and recreational manifestations; and the Book of Places, targeted at listing spaces such as markets, fairs, squares and sanctuaries where collective cultural practices are concentrated and reproduced.

By outlining the universe of intangible cultural assets formally recognized through indication of the content from the Record Books, the intention was to avoid strict and restrictive conceptions, with the expectation that such broad definition stimulates the process of building the concept of intangible heritage, maintaining the parameters established by the 1988 Constitution.

There are several effects to the Record. First, it establishes the public obligation to document and follow the dynamics of the cultural manifestations registered. Second, to promote the recognition of the importance of these assets and their valuation through the implementation, in collaboration with public and private entities, of actions for promotion and outreach. Third, the maintenance of a database about the assets registered, accessible to the public, is established. Finally, the transmission and continuity of manifestations registered

through the identification of actions for support and promotion that support the continuity of the practice, are promoted. After the material produced by the Cultural Heritage Consulting Council is presented and approved, the cultural manifestation is officially listed in one of the Record Books and receives the title of “Brazilian Cultural Heritage”. This record grants official recognition to the cultural expression, highlighting its importance to the cultural diversity and identity of Brazil. Also, this record implies support and promotion actions with the goal of ensuring the continuity and preservation of the manifestation.

The first cultural asset recognized by IPHAN in Brazil was the Craft of Pot Makers from Goiabeiras, in the city of Vitória, state of Espírito Santo. This recognition was given in 2003, when IPHAN started registering the intangible heritage in Brazil. Since then, IPHAN has recognized another 51 Intangible Cultural Assets, such as the Traditional Matrices of Forró, the Capoeira Circle and the Craft of Capoeira Masters, Frevo, Marabaixo, Tambor de Crioula in Maranhão, and the lauretê waterfall – a sacred place for indigenous peoples from the Uaupés and Papuri rivers. Some of these cultural assets have nationwide reach, which means they can be found throughout Brazilian territory.

For each of these manifestations, IPHAN develops a Safeguarding Plan that gathers specific actions for support and incentive, which may include expansion of documentation, research, formation, promotion, financial support, among others. The goal of a Safeguarding Plan is to ensure vast promotion and outreach, being focused on the cultural sustainability of the manifestation, with active participation from the communities that own the knowledge and traditional practices. To execute these actions, IPHAN uses the following lines of action in the management of Registered Assets:

- a) Social Mobilization and Scope of the Policy: this group of actions aims at promoting the heritage self-management by the owners and enhance their skills to interact with public policies. At the same time, it highlights IPHAN’s role as institutional mediator and promoter of inter-sector policies.
- b) Participative Management in the Safeguarding process: these actions aim at improving and developing competences for planning, development, execution and evaluation of safeguarding actions.
- c) Promotion and Valuation: centered around promoting the intangible cultural heritage and highlighting its importance to the society in general.
- d) Cultural Production and Reproduction: includes actions directly related to support for the preservation and continuity of practices and knowledges related to the cultural asset registered.

Given the dynamic nature of the intangible heritage, the Brazilian policy continues with the Reevaluation of cultural assets registered. This process implies the identification of transformations the asset has gone through after its registration, as well as the diagnosis of its

processes for production, reproduction and transmission in the social context. Although the update of information about the registered asset is still a decisive aspect, the Reevaluation process goes beyond and establishes a unique opportunity for retrospective reflection about the institutional policy itself. This allows for reconsidering decisions, revisiting themes that years later are poorly explored or have received new understandings, and also offers clarification on points and aspects that, after the registration, have caused difficulties, and allows the reevaluation of the general guidance on the process, its justifications and recommendations for safeguarding.

The Reevaluation is a process conducted by IPHAN with the goal of verifying whether the conditions and criteria that led to the initial recognition are still present, and if the manifestation is still transmitted and practiced by the community or group involved. To this date, all reevaluated assets have been revalidated. Based on the data obtained by the reevaluation processes, it is possible to establish guidelines for the institutional work by IPHAN, since the reevaluation judgments indicate recommendations and strategies for safeguarding the assets.

IPHAN has a specific website for consultation of Registered and Revalidated Assets, with the entire documentation related to the technical production for the Registration.

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# The Heritage Regime and the Declarative Policy from Intangible Cultural Heritage Manifestations in Peru (1986-2022)

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Pablo Alberto Molina Palomino<sup>70</sup>

## Introduction

Through the Supreme Resolution N. 022-86-ED from January 30, 1986, the Ministry of Education declared the choreographic and musical forms of the marinera the Nation's Cultural Heritage. The document referred to the Declaration from Mexico given during the World Conference on Cultural Policies organized in 1982 by UNESCO and used as legal framework the General Law on Support to the Nation's Cultural Heritage from 1985.<sup>71</sup> For the first time the Peruvian government converted a living cultural practice into a constructive element of the nation's heritage.

Thus, started outlining a heritage regime (Bendix, Eggert & Peselmann, 2013) and an authorized discourse of heritage (Smith, 2006). The adoption and implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage from UNESCO by the Peruvian government will highlight tensions inherent to the construction of a participative inventory of the intangible heritage. It consists of different logics and agendas for registration, which are captured in the mechanism from declarations.

To put this into perspective, from 1986 to 2001 the Peruvian government issued only five declarations of Nation's Cultural Heritage, while between 2003 and 2022 it declared 298, to a total of 374. In this context, and understanding the heritage of cultural manifestations as social construction processes (Kuutma, 2012: 24) and metacultural production (Kirshenblatt-Gimblett, 1995, 2004), this article has the objectives described ahead.

First, delve into the process of construction of the Peruvian heritage regime. For this purpose, an analytical reading of its normative milestones has been carried out. Furthermore, the study of the composition of the universe of declarations made until 2022, impacting the transformations experimented by such aspects in the past few decades.

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<sup>71</sup> Law N. 24047. General Law on Support to Cultural Heritage. Official gazette El Peruano. Lima, Peru. January 3, 1985.

Second, to get critically close to the *Work of great masters, sages and creators*, a declarative category in this regulation. Their position between authorial and heritage will allow them to stress the tensions and contradictions inherent to the process of translation and appropriation of the international regulation by UNESCO to the Peruvian scenario. Over this foundation, it will be sustained that turning these works into heritage, and their transformation into elements that constitute a cultural inventory, increase existing asymmetries inherent to the abilities of negotiation and representation by the players involved. This phenomenon has been explored by previous research studies (León, 2009; Guerrero, 2018; Matta, 2016), but not specifically around these types of declarations.

To develop this essay, systematization and analysis were conducted on all declarations of Nation's Cultural Heritage given from 1986 to 2022, considering that we are still in 2023. Likewise, the Peruvian national regulation associated to intangible cultural heritage management was reviewed. Finally, it is properly documented that the author of this article is a specialist from the Directorate of Intangible Heritage for the Ministry of Culture from Peru and a member of the team in charge of supervising the declaration processes.

## **Changes and transformations in the Peruvian heritage regime**

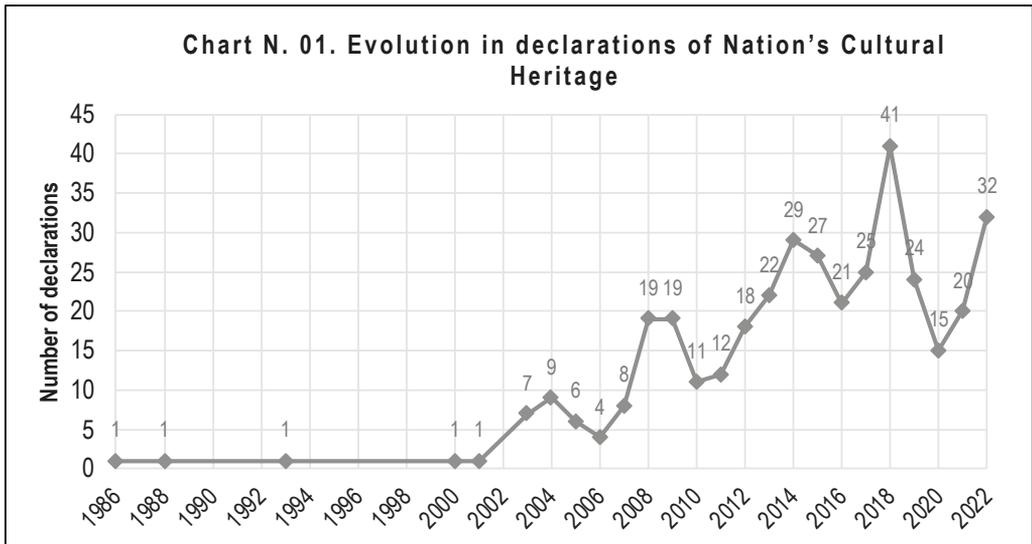
It is important to consider that Peru has generated an inventory of intangible cultural heritage manifestations through declarations. Thus, cultural manifestations were declared as elements that integrate the Nation's Cultural Heritage through formal resolutions issued by organizations governing this matter: the National Institute of Culture, first, followed by the Ministry of Culture created in 2010.<sup>72</sup>

Within this context, the configuration of a regime and an authorized discourse of heritage has been a long process that precedes the 2003 Convention. It has been characterized by the specialization of the government apparatus for management of the intangible cultural heritage. It is possible to distinguish at least 3 periods: from 1986 to 2001, from 2003 to 2010, and from 2011 to the present.

An important indicator that must be considered to understand the changes that occur between one and the other is the number of declarations achieved (refer to Chart N. 01). As mentioned, between 1986 and 2001 there were only five, from 2003 and 2010 there were 82, while from 2011 to 2022 this number more than tripled to 278, on a total of 374 declarations. What factors explain this exponential growth in the number of cultural practices turned into heritage?

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72 Law N. 29565. Law on Creation of the Ministry of Culture. Official gazette El Peruano. Lima, Peru. July 22, 2010.



**Chart N. 01:** Evolution in declarations of Nation's Cultural Heritage.

**Source:** Ministry of Culture. Directorate of Intangible Heritage.

**Developed by:** the author.

The first period (1986 to 2001) is characterized by the absence of clear regulations and standardized procedures. Thus, while the first declaration, from 1986, is made with a Supreme Resolution, the ones from 1988 and 1993 are made through Departmental Resolution, and the ones in 2000 and 2001, with National Directorial Resolution. The latter will be the prevailing legal instrument until the creation of the Ministry of Culture, in 2010.

This coincides with the variability in the technical areas in charge of issuing a favorable opinion for each declaration. Basically, each one is given support by a different Directorate in the National Institute of Culture. First, by the Directorate-General of Monumental Cultural Heritage. Then, by the Directorate-General of Production for Cultural Development, which within a year changed its name to Directorate-General of Cultural Production, Development and Diffusion. Finally, by the Directorate of Registration and Study of Contemporary Peruvian Culture.

Likewise, the repertoire of elements of cultural heritage was very heterogeneous, including specially forms of dance and music instruments (*marinera*, *tondero* and Peruvian *cajón*), one denomination of origin (Pisco), and a horse breed (Peruvian Paso horse). In this sense, each declaration became an exercise of bureaucratic creativity.

Different from the first period, the second period was characterized by the emergence of a normative framework where concepts were clarified, and processes were established. It gave more consistency or stability to the Peruvian heritage regime. The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO became a turning point, with immediate repercussions.<sup>73</sup>

The new General Law on the Nation's Cultural Heritage, adopted in 2004, incorporated for the first time a definition of *intangible assets* as components of the Nation's Cultural Heritage.<sup>74</sup> The National Institute of Culture became responsible for its safeguarding. Although the General Law on Support to Cultural Heritage, enforced in 1985 and replaced in 2004, had already used the term *intangible*. But it was not properly defined, and the norm was circumscribed to mobile and immobile material properties.

*Article 1 – The Nation's Cultural Heritage is under support from the State and National Community, whose members have the obligation to cooperate for its preservation.*

*The Nation's Cultural Heritage consists of cultural assets that are testimony of human creation, tangible or intangible, expressly declared as such for their artistic, scientific, historic or technical importance. Nature's creations can be the object of such a declaration (Law N. 24047).<sup>75</sup>*

Even more important: in the same year, the Guideline N. 002-2004-INC was approved, establishing for the first-time processes and criteria for assessment of requests for declaration.<sup>76</sup> Thanks to this, the spectrum of players directly involved in the processes for declaring cultural manifestations as the Nation's Cultural Heritage was expanded. In addition, communities of bearers obtained an agency that was until then reserved only to public officials. From the governmental standpoint, the Guideline became the cornerstone on which the Peruvian heritage regime would be built and represented the authorized discourse of heritage. The problem, as explained next, is that it was an instrument that attempted to cater to many aspects simultaneously, thus leaving loose ends and blind spots.

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73 The Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO was approved by the Republican Congress through the Legislative Resolution N. 28555, and ratified by the Peruvian government with the Supreme Decree N. 059-2005-RE. The Convention came into force for Peru in January 2006.

74 Law N. 28296. General Law on the Nation's Cultural Heritage. Official gazette El Peruano. Lima, Peru. July 21, 2004.

75 The Law N. 24047. General Law on Support to the Nation's Cultural Heritage, promulgated in 1985 and replaced in 2004 with Law N. 28296, only referred that the Nation's Cultural Heritage was comprised of cultural assets that are testimony of human creation, tangible or intangible, expressly declared as such for their artistic, scientific, historic or technical importance.

76 National Directorial Resolution N. 1207/INC. *Approves Guideline on Recognition and Declarations of Cultural Manifestations in Force as the Nation's Cultural Heritage*. Official gazette El Peruano. Lima, Peru. November 27, 2004. The guidelines, it is worth mentioning, are internal documents of normative character managed both by the National Institute of Culture and by the Ministry of Culture from Peru.

In relation to this, although the Guideline approved, the declaration of Nation's Cultural Heritage remains a central axis. It also introduced other declarative figures due to hierarchical geographic-territorial criteria. Thus, it was established that cultural manifestations could also be declared as Communal Heritage if they corresponded to a rural or native community; Ethnic Heritage if they corresponded to an ethnicity or ethnic-linguistic group; and Regional Heritage when they characterized a region or a considerable part of it.

The issue with this sub-classification is that it did not detail whether such categories worked as a substitute or complement, as some sort of special mention, to the main category of Nation's Cultural Heritage. Additionally, the Guideline also introduced the possibility of declaring as the Nation's Cultural Heritage the *Work by great masters, sages and creators*, a category foreign to the aforementioned geographic-territorial criterion.

*Article 10 – The work by great masters, sages and creators in the field of cultural manifestations in force and that contribute to their registration, study, diffusion and safeguarding can be declared as the Nation's cultural heritage. (Guideline N. 002-2004-INC).*

On the other hand, the Guideline created another type of non-heritage declarations, adding another level of complexity to these metacultural production processes. Thus, it allowed the possibility of declaring festive activities as “of cultural interest”, as traditional products. Those products resulting from traditional crafts, and finally declaring culinary manifestations as Traditional Specialties.<sup>77</sup> Concerning them, on the other hand, it was detailed that they could be granted as additions to cultural manifestations already declared.

Finally, the Guideline also gathered within its scope the official recognitions granted by the then-existing National Institute of Culture: Commendable Culture Personality, Living Repository of Collective Memory, and Medal of Honor from Peruvian Culture. Thus, a complex structure of heritage and non-heritage declaration categories that are not necessarily exclusive was built, over which a system of recognitions was also superimposed. This circumstance would only change seven years later, with the approval of a new Guideline in 2011 and its further update in 2015, bringing with it substantial changes to the structure of declarations.

Therefore, the third phase in the construction of the Peruvian heritage regime was characterized by the reduction in declaration processes and categories, in addition to a restructuring of the government apparatus responsible for its implementation. The turning point is the transformation of the National Institute of Culture, attached to the Ministry of Education, into the Ministry of Culture. Hence, the then-existing Directorate of Registration and Study of Contemporary Peruvian Culture became in 2011 the Directorate of Contemporary Intangible Heritage and, two years later, the present Directorate of Intangible Heritage.

<sup>77</sup> Concerning the latter category, it is worth noting its similarity to the mechanism for certification of *Traditional Specialties Guaranteed*, originally introduced by the European Union's European Commission in 1994 after approval of the Regulation (EC) N. 2515/94 that, on its turn, changed the Regulation (EEC) N. 1848/93 approved in 1993 by the then-existing European Economic Community.

As it can be seen on Table N.01, the approval to the Guideline N.001-2011-MC brought with it the elimination of cultural heritage categories *communal*, *ethnic* and *regional*, leaving only the category of Nation’s Cultural Heritage. At the same time, it maintained the non-heritage declaration categories, but excluded the possibility of having them superimposed in relation to the previous ones. Nonetheless, this new Guideline continued maintaining the recognition system within the same scope.

The Guideline N.003-2015-MC, on the other hand, completely suppressed the non-heritage categories of “Traditional Products” and “Traditional Culinary Specialty”, leaving only “of cultural interest”. However, changing its nature by making it also apply to activities, projects, products or works that would contribute to the promotion, diffusion, preservation, retrieval and safeguarding of arts and culture in general. Also, it removed from the Directorate of Intangible Heritage the ability to issue this type of declaration and granted it to the Directorate of Arts. This is a technical unit corresponding to a completely different branch in the institutional organizational chart of the Ministry of Culture. Finally, the new Guideline excluded from its scope the section of recognitions introduced in 2004 and maintained in 2011, which was then regulated through a Guideline dedicated exclusively to this aspect.<sup>78</sup>

<b>Table N. 01. Declaration categories in the Peruvian heritage regime</b>			
<b>Declaration category</b>	<b>Guideline N. 002-2004-INC</b>	<b>Guideline N. 001-2011-MC</b>	<b>Guideline N. 003-2015-MC</b>
<b>Heritage declarations</b>	Work by great masters, sages and creators		
	From the Nation	Nation’s Cultural Heritage	
	Communal		
	Ethnic		
	Regional		
<b>Non-heritage declarations</b>	Traditional products		-
	Traditional specialties	Traditional culinary specialties	-
	Of cultural interest		

**Table N. 01:** Declaration categories in the Peruvian heritage regime.

**Developed by:** the author.

<sup>78</sup> Ministry Resolution N. 107-2016-MC. *Approving the Guideline N. 002-2016-MC “Guideline on Granting Recognitions from the Ministry of Culture.”* Official gazette El Peruano. Lima, Peru. March 16, 2016.

Among these changes, and as exhibited on the table above, the category *Work by great masters, sages and creators* as a heritage declaration category remained in force, with only a few adjustments to its definition. Thus, the 2011 Guideline replaced the term “cultural manifestations” introduced in 2004 with “Intangible Cultural Heritage manifestations”, which was maintained by the 2015 Guideline:

*Article 10 – The work by great masters, sages and creators in the field of cultural manifestations in force and that contribute to their registration, study, diffusion and safeguarding can be declared as the Nation’s Cultural Heritage. (Guideline N. 002-2004-INC)*

*Article 9 – The work by great masters, sages and creators in the field of Intangible Cultural Heritage manifestations, contributing to their retrieval, registration, study, diffusion and safeguarding, can be declared as the Nation’s cultural heritage, by the Vice-Ministry of Cultural Heritage and Cultural Industries (Guideline N. 001-2011-MC).*

This heritage declaration category is problematic for introducing, from an internal institutional normative, a heritage category that is not included in Law N. 28296 and does not match the definition of “intangible heritage”. To understand its origin and place in relation to the rest of declared cultural practices and expressions, it is necessary to first explore the universe of declarations made in Peru to this date.

## **Composition of declarations of Nation’s Cultural Heritage in Peru**

The Convention for the Safeguarding of the Intangible Cultural Heritage of UNESCO mentions, in its Article 2, that the intangible cultural heritage is manifested especially in five areas. The Peruvian legal framework, on the other hand, classifies intangible cultural heritage manifestations in up to nine areas. Although it is possible to find noticeable equivalences between what UNESCO and what the Peruvian government established. There are also remarkable differences and even areas or categories in Peru that do not have a direct equivalence with those by UNESCO. This is the case of “cultural spaces” for representation and *Works by great masters, sages and creators*.

<b>Table N. 02. Distribution of declarations (1986 – 2022) according to the intangible heritage area</b>			
<b>Intangible heritage areas according to the legal framework</b>		<b>Declarations of Nation's Cultural Heritage in Peru</b>	
<b>2003 Convention (UNESCO)</b>	<b>Regulation from Law N. 28296 (Peru)</b>	<b>Number</b>	<b>Percentage</b>
Oral expressions and traditions	Language and oral traditions	5	1.34%
Spectacle arts	Music and dances	134	35.83%
Traditional artisanal techniques	Plastic artistic expressions: art and artisanal works	38	10.16%
Social uses, rituals and festive acts	Feasts and ritual celebrations	131	35.03%
	Habits and traditional rules	2	0.53%
	Traditional forms of organization and authorities	8	2.14%
Knowledges and uses related to nature and the universe	Production practices and technologies	14	3.74%
	Knowledges, wisdoms, and practices associated to traditional medicine and gastronomy	12	3.21%
-	Cultural spaces for representation or performance of cultural practices	8	2.14%
Works by great masters, sages and creators		22	5.88%
<b>TOTAL</b>		<b>374</b>	<b>100.00%</b>

**Table N. 02:** Distribution of declarations (1986 – 2022) according to the intangible heritage area.

**Developed by:** the author.

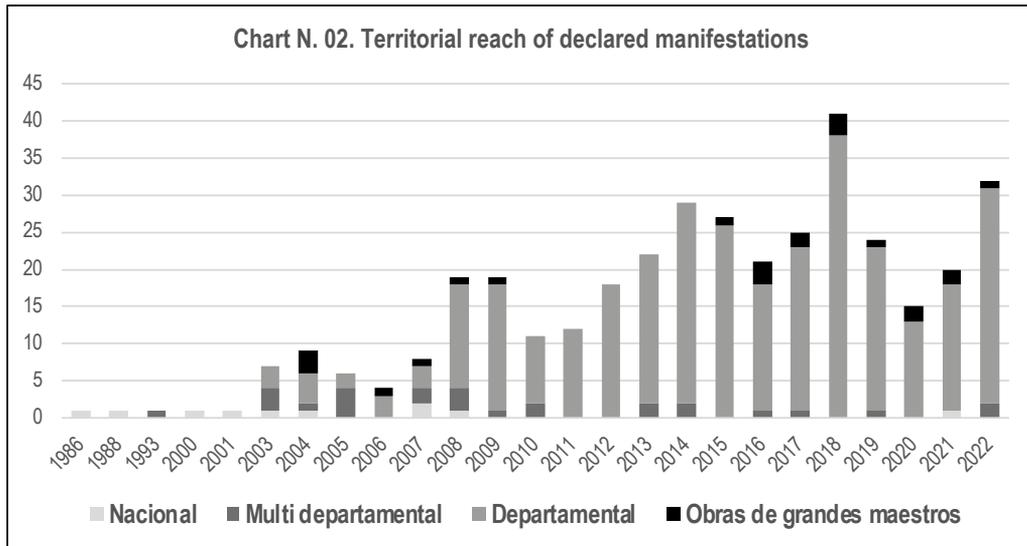
Considering this table, it is worth highlighting a few points. First, 70.86% of the 374 declarations given between 1986 and 2022 are gathered in two of the nine areas indicated above: Feasts and ritual celebrations (131) also Music and dances (104). Second, the other seven areas gather 23.26% of the total, with plastic artistic expressions (38) being the most representative in this subgroup. And third, the *Work by great masters, sages and creators* is the fourth most numerous and representative category or area in the universe of declarations given by the Ministry of Culture from Peru. The latter demonstrates its relevance in the heritage regime built by the Peruvian government.

This scenario changes if the composition of the universe of declarations is analyzed from a more geographic-territorial criterion. It is taking into account the territorial scope or jurisdiction in which a certain cultural manifestation considered the Nation's Cultural Heritage is practiced, and where communities of bearers were identified. To do so, it is necessary to consider that the Peruvian territory is divided into 24 departments, which are comprised of provinces and districts.

In this aspect, a cultural manifestation will be characterized as "Departmental" if its practice and transmission is inscribed to one or several districts and/or provinces in a single department. If, on the other hand, the cultural manifestation is practiced by communities present in multiple departments, it is listed as "Multi-departmental". If the declaration is made without reference to a specific territorial, geographic or spatial area, it is listed as "National". The category of *Works by great masters* has stayed at the margin of this territorial criterion, since it does not correspond to this.

Following this different scheme of analysis, we find that 84.50% of the declarations correspond to cultural manifestations in which practice occurs in the *Departmental* level, 6.95% in the Multi-departmental area, and 2.67% in the National scope. The remaining 5.88% is occupied by declarations of *Works by great masters, sages and creators*. Breaking down this information to a timeline allows us to observe in more detail not only these distributions, but also the trends in territorial and non-territorial scope of the declarations of Nation's Cultural Heritage given by the Peruvian government from 1986 to 2022.

Thus, Chart N. 02 allows us to observe an additional trait in the steps for construction of the Peruvian heritage regime. Until 2004, the cultural manifestations declared were of especially National scope, highlighting the aforementioned Marinera along with Pisco, the Peruvian Paso horse, the Peruvian cajón, the Pachamanca and the ceviche. More than cultural practices or expressions per se, they were icons of nationality in which declaration processes there was not necessarily the participation of communities of bearers or worshipers, but the intervention from public officials and other types of intermediate players (León, 2009).



**Chart N. 02:** Territorial reach of declared manifestations.

**Source:** Ministry of Culture. Directorate of Intangible Heritage.

**Developed by:** the author.

Recently, from the emergence of international and national normative frameworks, in 2003 by UNESCO and in 2004 by Peru, respectively, this type of National manifestations gives way to others with more Multi-departmental and Departmental scope. Concerning Multi-departmental manifestations, during the second phase of the heritage regime there was predominance of declaration processes started by the National Institution of Culture or other institutions. However, in the third phase the players that were prominent in these processes were associations representing indigenous and/or native peoples from the Peruvian Amazon.

This change in the centrality of communities of bearers in declaration processes is more noticeable in the case of Departmental manifestations, which will be predominant from 2003 on. Thus, local and communal governments were increasingly positioned to the center of turning cultural manifestations into heritage. In this scenario, the declarations of *Works by great masters, sages and creators* emerged in 2004 and gained consistency as of 2015, with at least one declaration given per year since then.

## Works by great masters as translated and adapted heritage category

It was highlighted earlier that the guidelines implemented by INC and by MINCU did not change the place from declarations of *Works by great masters, sages and creators* in the scheme of declaration categories established by the Peruvian government. Also, the few changes made to its definition between the 2011 and 2015 Guidelines further strengthened its position in it – so much so that, as exposed, it is the fourth largest in the universe of declarations of Nation's Cultural Heritage related to intangible cultural heritage. Resuming the aforementioned definitions of this category in the 2004 and 2011 Guidelines, the 2015 Guideline changed the meaning of the declaration, although much more subtly.

### *7.3 On the declaration of work by great masters, sages and creators from Peru*

#### *Scope of declaration*

*The Vice-ministry of Cultural Heritage and Cultural Industries declares as the Nation's Cultural Heritage the work by great masters, sages and creators that contribute to the retrieval, registration, study, diffusion and safeguarding of the intangible cultural heritage (Guideline N. 003-2015-MC).*

Thus, while in the 2004 and 2011 Guidelines it was detailed that the work or *Works by great masters, sages and creators* should belong to the field of cultural manifestations in force or of intangible cultural heritage, respectively. In 2015, it was only necessary for them to contribute to the retrieval, registration, study, diffusion and safeguarding of such intangible cultural heritage. By no longer specifying the field of cultural creation or production to which the work must correspond, the door is open to declare virtually any artifact, product or cultural object of creative nature. Likewise, the general and open nature of such definition allows a constant exercise on free interpretation of the guideline and, therefore, the introduction in the heritage regime of criteria that could match other logics of representation and symbolic positioning.

The changes in the way the declarations of *Works by great masters* were made seem to suggest this. Three of them were made in 2004. The first declares “El cóndor pasa”, an emblematic zarzuela by Daniel Alomía Robles.<sup>79</sup> The second declares the Inca fox “La Pampa y la Puna” by Carlos Valderrama Herrera.<sup>80</sup> The third, on its turn, declares the work by José María Arguedas Altamirano.<sup>81</sup> It is not a specific or individual creation, but the universe of

79 National Directorial Resolution N. 219/INC. National Institute of Culture. Lima, Peru. March 16, 2004.

80 National Directorial Resolution N. 569/INC. National Institute of Culture. Lima, Peru. July 27, 2004.

81 National Directorial Resolution N. 1031/INC. National Institute of Culture. Lima, Peru. October 11, 2004.

both literary and academic creations by one individual. The heterogeneity in the processes involved in which, supposedly, is a single heritage declaration category goes further. Thus, the resolutions that establish the declarations from the first and second works include a second item where, respectively, the body of music work by Daniel Alomía Robles and Carlos Valderrama Herrera is declared “of cultural interest”.

During a single year, bodies of works went from being declared as “of cultural interest” to being declared as cultural heritage. Also, none of the first three declarations of *Works by great masters, sages and creators* was made within the framework of the Guideline N. 002-2004-INC that, as seen, created this category. Such Guideline was only published in November 2004, one month after the work by José María Arguedas Altamirano was declared the Nation’s Cultural Heritage.

The second moment when *Works by great masters* are declared occurs between 2007 and 2009, inverting the trend. Thus, the Music work by Tiburcio Susano Mallaupoma is declared in 2007,<sup>82</sup> the Music work by Ernesto Sánchez Fajardo in 2008<sup>83</sup> and the Music work “*Virgenes del Sol*” by composer Jorge Bravo de Rueda, in 2009.<sup>84</sup> Instead of individual works, the body or total music works by an author or songwriter become predominant in the declaration of Nation’s Cultural Heritage. Such a trend becomes fully consolidated in the third and current period of implementation of this heritage category, which starts in 2015 and that to this date has given a total of 15 new declarations. Although works of music nature remain the main subject of heritage, other types of creative sets also come into play, such as the Artistic work by Joaquín López Antay declared in 2016,<sup>85</sup> or the Photographic work by Martín Chambi Jiménez declared in 2019,<sup>86</sup> and the Pottery tradition from the Tineo family, declared in 2021.<sup>87</sup>

Turning an individual’s creative set into heritage leads to questions about the theme of ownership and copyrights. The Law N. 28296, on its Article 2 related to the ownership of intangible assets, indicates:

*Intangible cultural assets that are part of the Nation’s Cultural Heritage, for their nature, belong to the Nation; no individual or legal entity can claim the ownership of an intangible cultural asset, with any declaration in this sense being void, whether it had been declared or not as such by a relevant authority. The communities that maintain and preserve intangible cultural assets belonging to the Intangible Cultural Heritage are the direct owners of such Heritage. The state*

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82 National Directorial Resolution N. 1654/INC. National Institute of Culture. Lima, Peru. December 6, 2007

83 National Directorial Resolution N. 1425/INC. National Institute of Culture. Lima, Peru. October 10, 2008.

84 National Directorial Resolution N. 755/INC. National Institute of Culture. Lima, Peru. May 27, 2009.

85 Vice-Ministry Resolution N. 133-2016-VMPCIC-MC. Ministry of Culture. Lima, Peru. October 4, 2016.

86 Vice-Ministry Resolution N. 188-2019-VMPCIC-MC. Ministry of Culture. Lima, Peru. October 21, 2019.

87 Vice-Ministry Resolution N. 208-2021-VMPCIC/ MC. Ministry of Culture. Lima, Peru. August 30, 2021.

*and the society have the duty of protecting such Heritage* (Law N. 28296. Article 2. Ownership of intangible assets).

In other words, if a work (whether musical, artistic, photographic or literary) is declared the Nation's Cultural Heritage, its ownership would go to the Nation in its totality and, therefore, to the State. However, such works would not constitute intangible assets, since the definition the rule gives about them refers to the creation of a cultural community. An intangible asset is, then, collective in essence. On the other hand, the *Works by great masters, sages and creators* would be individual on a final instance, and for this reason the cultural heritage ownership regime would not apply to them. Likewise, the aforementioned law does not refer anywhere to the category in question, which seems to only exist in the Guidelines commented.

Both the 2004 Guideline and the 2011 and 2015 Guidelines differentiate the works by great masters from the manifestations of intangible heritage. Also, as exposed previously, it is impossible to assign a territorial attachment to a music work. If this needed to be done, for example, in the case of the musical work by Chabuca Granda,<sup>88</sup> would we associate it to the city of Lima for having been one of her greatest sources of inspiration or to Apurímac for having been the department where she was born? If we apply this to the photographic work by Martín Chambi, would we link it to his birthplace in the province of Carabaya en Puno or to the city of Cuzco, where he developed a considerable part of his photography?

This leads to two questions. First, how is this declaration category featured in Guideline N. 002-2014-MC? Second, what is the nature of what is becoming a heritage? To answer the first question, it is important to remember the program of Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity adopted in 1997, direct predecessor of the Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO in 2003. It was an initial space for representation and negotiation that allowed to rehearse political interactions between the Party States, as well as to refine the concept of intangible heritage (Aikawa-Faure, 2008). At the same time, it highlighted that in the core of the development of lists or inventories there were criteria for exclusion and selectiveness, which would be reflected in the new Representative List of the Cultural Heritage of Humanity, although with some improvement by removing the term Masterpieces and its implicit evaluative weight (Hafstein, 2009).

In total, three proclamations of Masterpieces of the Oral and Intangible Heritage of Humanity were made, in 2001, 2003 and 2005. Peru managed to have the Textile art from Taquila proclaimed as such in 2005, which means that at least until that year the program of Proclamations of Masterpieces was used by the National Institute of Culture as a tool for

88 Vice-Ministry Resolution N. 001-2017-VMPCIC-MC. Ministry of Culture. Lima, Peru. January 5, 2017.

managing the intangible cultural heritage. If we also consider that, simultaneously, Peru was adopting<sup>89</sup> and ratifying<sup>90</sup> the Convention for the Safeguarding of the Intangible Cultural Heritage, it is evident that a process of interpretation and adoption of existing international mechanisms was occurring according to new national guidelines yet to exist.

In this sense, it is likely that the heritage declaration category of *Work by great masters, sages and creators*, featured for the first time in the Guideline N. 002-2004-INC, was created using as reference the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity from 1997. A single Guideline, therefore, would end up combining two international instruments formulated by UNESCO. Notwithstanding, the translation action conducted did not leave the category intact when passing from UNESCO to the National Institute of Culture and then to the Ministry of Culture, which leads us to answer the second question.

The nature of what is being turned into heritage when a *Work by great masters, sages and creators* is declared as the Nation's Cultural Heritage is ambiguous in two senses. First, because there is no concrete definition on what constitutes the work itself, as made evident by initially declaring individual compositions and later opting for declaring the creative set from an individual. The Guideline in force insists on referring to the contribution, or the collaboration, from each of these works to the safeguarding of the intangible cultural heritage to differentiate between declarable and non-declarable. However, even so this does not give a clear definition or description of what must be considered as the *Work by great masters, sages and creators*. Also, it adds a level of discussion, since it would be possible to start considering that the work itself is not declared, but the contribution or collaboration it gives to the safeguarding of the intangible cultural heritage.

Second, the declarations of *Works by great masters, sages and creators* allow ambiguity on their purpose, since, at the same time they turn a cultural artifact, product or object into heritage, they also seem to indirectly grant the title of Grand master, sage and creator to those who created it. Thus, it is simultaneously a declaration and a recognition, which ends up duplicating its potential as a tool for symbolic positioning and representation. This will certainly not go unnoticed by players associated to such processes of turning into heritage, which will use the category as a means to leverage agendas due to social and symbolic capitals acquired in advance.

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89 Legislative Resolution N. 28555. *Legislative Resolution approving the convention for the safeguarding of the intangible cultural heritage*. Official gazette El Peruano. Lima, Peru. June 21, 2005.

90 Supreme Decree N. 059-2005-RE. *Ratifying the Convention for the Safeguarding of the Intangible Cultural Heritage*. Official gazette El Peruano. Lima, Peru. August 12, 2005.

## Conclusion

The category of *Works of great masters, sages and creators* challenges the heritage regime by being in multiple positions that could be considered liminal. This is a notion created as part of the process of interpretation and adoption of international normative locally. Therefore, this is not a manifestation of the intangible cultural heritage anchored in a territorial circumscription or associated to a certain ethnic group. This defines a field of negotiation and representation where the success of the players involved, and their specific agendas, will depend not only on meeting a series of technical criteria, but also on the ability to mobilize social and symbolic capital.

For the purposes of the heritage regime and the authorized discourse of heritage, these declarations secure a panorama of personalities related to certain popular music currents in Peru that are currently valued as national music. It is no surprise, in this sense, that all declarations on musical works have been around writers and composers of Andean, creole or academic music with indigenous traits. They are in line with what the official discourse and narrative from the government, and its institutions, defend as Peruvian music. Therefore, such declarations also work as a medium to underpin landmarks in the construction of the national imaginary.

Even so, it is necessary to highlight that the Peruvian government has generated a heritage regime that displays a great capacity for adaptation and enhancement over the past two decades. Especially, after the adoption of the Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO in 2003. This has allowed a declaration mechanism that usually responded to the search for cementing icons of nationality, between 1986 and 2001. Then, to progressively turn into a participative inventory with direct intervention from communities of bearers for the declaration of cultural manifestations, as of 2004.

Proof of this is the creation and update of Guidelines, the reduction of declaration categories, and the sustained growth in the number of declarations given year after year. Thus, proving the existence of a citizen demand for identification, registration and safeguarding of a heterogeneous set of cultural manifestations that generate strong senses of identity. This landscape draws attention to the need to continue enhancing processes, criteria and categories, maintaining communities of bearers at the center of the management of cultural manifestations. At the same time, it represents a challenge to the institutional framework of the Ministry of Culture as a steering entity, as the inventory of cultural manifestations grows in number and complexity.

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# 5

## **Intangible cultural heritage, memory and identity**

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# Guarania: Intangible Heritage and National Identity in Paraguay

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Antonio V. Pecci<sup>91</sup>

## Guarania

Guarania, a musical genre, is the living expression of the Paraguayan culture. It was created at the beginning of the 20th century by the musician José Asunción Flores.<sup>92</sup> He created this genre foreseeing to transmit the national “teko” (the national being and the national feeling), through the harmonization of the writing and interpretation of native and popular music. Guarania was adopted and enriched by other creators and interpreters, becoming a collective expression of Paraguayan society.

This music is characterized by a slow tempo (6/8), on a set of sophisticated melodies and a harmonic variety. The Guarania’s basic rhythmic configuration finds its origins on the Paraguayan polka. This musical genre was created in Paraguay in the 19th century and it’s characterized by an overlapping binary compass that is composed above the lines of the singing and the strumming of the guitar, on a ternary base entrusted to the double bass (when this one is used in the instrumentation).

Simultaneously, the line of the song, besides containing hemiolas<sup>93</sup> that sometimes configure an eventual ternary compass, comprise syncopations<sup>94</sup> that dislocate and advance the initial strong beats of the measures. Moreover, the Guarani language is used as a vehicle.

Thus, sonority and cadence, which captures the “ka’aru ha techaga’u” (sunset filled with longing), that emerges with a “sapukai soro” (heartbreaking cry), that releases the “anga” (soul), are projected in Guarania.

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92 He was born in Asunción, Paraguay, on August 27, 1904, and died in Buenos Aires, Argentina, on May 16, 1972.

93 In rhythm, hemiola refers to three beats of equal value in the time normally occupied by two beats.

94 Syncopation is a rhythmic technique in music where emphasis is placed on off-beat or unexpected beats within a musical phrase.

## A glance to the work of José Asunción through time

The “Week of the Guaranía” is organized every year in Paraguay. During this celebration various commemorations are planned to pay tribute to the creator of Guaranía. And to commemorate his birth that took place in the humble neighborhood of Punta Karapâ, in Asunción, on August 27th, 1904. Declared by the National Parliament as a Cultural Heritage of Paraguay in 2010, this musical genre was intended to be nominated as Intangible Cultural Heritage of Humanity, at UNESCO.

How representative is Guaranía for Paraguay? How does it contribute to the Paraguayan cultural identity? On the way to the celebration of the centenary of the Guaranía creation, what is the current condition of this musical genre created in 1925? There are various theories or urban legends that do not correspond to reality. However, these rumors are still spreading. For this reason, it is essential to analyze the evolution of this musical genre, starting from the beginning of the 20th century and including the new expressions of the 21st century.

José Asunción Flores was criticized for his excessive attachment to the popular sources of the country’s folklore. His transition to the symphonic field was a controversial subject. However, he intended to elevate Guaranía, embracing this decision, so it could figure in the repertoire of classical or scholarly works.

The educated elite of the country, at the beginning of the new rhythm, between the decades of 1920 and 1930, questioned the fact that a young musician of popular origin could create a new rhythm, especially because it was based on popular themes, as well as non-traditional forms, and not on European models. This led to the publication of articles that criticized him personally as well as his work.

Several sources confirm that these criticisms, made mainly by a musician who used to sign with the pseudonym ‘Smerdiakoff’, troubled the young member of the Police Band.<sup>95</sup> A group of colleagues encouraged José Asunción Flores to continue creating. Poets, and journalists, such as Herib Campos Cervera, Facundo Recalde and Manuel Ortíz Guerrero wrote articles supporting him. For example, around year 1930, Ortíz Guerrero wrote an article in *El Diario* titled “Greeting to José Asunción Flores” in which he argued about the possibility that someone who ‘emerged from the yuyal’ (yuyal: weeds) could contribute something new to the musical art. The poet from Guairá had moral authority and considerable artistic weight since he was the one who consolidated the figure of the writer at a social level. Additionally, his poetic work had a wide circulation.

The support given to this paradigmatic figure and, on the other hand, the criticism towards power, were important. This was not only to advocate for the young and emerging

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95 He was interested in music in his childhood and since that time, joined the “Capital Police Band.”

figure but also to uphold an entire lineage of popular culture. It had been ignored by the upper classes, who used to have French culture and transpositions from Buenos Aires as references. The bourgeoisie was interested in paintings, dresses, dishes, books, and much of the Parisian cultural baggage. There was a very little contribution to the creation of conservatories, orchestras, and theaters at the local level. Unlike the economic elites of other cities such as Buenos Aires, Rosario, Córdoba, and Santiago de Chile. They used to promote the creation of conservatories, theaters, repertoires, and visits from foreign companies.

Guarania was then a challenge to that worldview because it presented a new form and an accessible language. In addition, topics related to the suffering 'mensú' of the yerba mate fields, the figure of the workers and indigenous peoples. Through slow and nostalgic melodies, at times vibrant, Guarania vindicated the Guarani language and the role of women. What did it mean? This meant that a good musician had to devote himself to creating waltzes, sonatas, concertos for violin and piano, inspired by the great European masters in their form and content.

Agustín Pío Barrios (San Juan Bautista, 1885 - San Salvador, 1944), the great classical guitar composer, was also not forgiven for using popular sources as inspiration, in Paraguay and in Latin America. According to the notable guitarist John Williams, this explains why his creations were marginalized from the international repertoire during decades.

## Identity data

Edgar Valdes, a literary critic, and close friend of José Asunción Flores declared:

*...Flores melodies are deeply penetrating because they go deep into our sensitivity. There are pains, sufferings, and hopes of such a nature that they cannot be expressed with means as crude as words. In the case of Paraguayans, this is even more evident because our entire history is nothing but a history of disasters, of promises of fullness that were never fulfilled (...) Only great thinkers like Barrett or artists like Flores could reach the deepest part of the collective unconscious. Maybe it is here the origin of his creations and that's why Barrett saw us as the most unfortunate people on Earth. Meanwhile Flores' music expresses melancholy, nostalgia, the notion of a lost paradise that always accompanies us.*

Carlos Villagra Marsal, one of the prominent scholars of our roots, affirmed that Paraguayan culture was based on three elements: the Hispano-Guarani mixed race, the Guarani language, and in the musical field, the Guarania. Elvio Romero added that these three components give cultural homogeneity to the country, this allows these artistic expressions to have a national impact. Unlike neighboring countries, which had regional folklore that differs in each area.

The Paraguayan musician Luís Szarán says that the awareness of a national sentiment began precisely with Agustín Pio Barrios, who was leaning towards the guitar. He dedicated a small percentage of his production to this movement, as in “Danza Paraguaya”. Subsequently, the movement was defined and strengthened by Flores whose leadership managed to awaken the awareness and sensitivity of his contemporaries.

*From then on and well into the 1970s, no other form of musical expression will be known. The generation that preceded this group has not produced a single first-rate work, in which the characteristics of nationality are found (...). From the humble space, under a mango tree, in the Police Band, and even in the highest artistic circles in Moscow, he instilled in his contemporaries a taste for artistic forms and showed them the ways through understanding popular expressions. (...) Flores used to say that “every element taken from popular expressions, and life itself, has a principle of universality.*

## Timeless music

The musician Oscar Cardozo Ocampo declared in a conversation held in 1995:

*I consider that Flores’ work represents, in my view, the work of a genius. However, I think that lately the noun genius has been used very irresponsibly. It is very easy to say, this guy is a genius. Still, what is the real meaning of being a genius? This is a phenomenon that arises in areas that do not meet the appropriate conditions. The case of Flores is an example. He was born in Paraguay at the beginning of the 20th century, in an environment that did not provide him adequate opportunities to receive good instruction. However, the lifestyle of Barrios, who belongs to this same category, was different.*

Despite all those obstacles, the talent of Flores emerged. From the arrangement he makes of Ma’erāpa reikuaase, – said the renowned musician – he lays the foundations and marks the way so that other talented Paraguayan musicians can reach their full potential. I reserve this category of genius only for Flores. His work has the validity of the brilliant and goes beyond the transformation of time. It has the magnificence and simplicity of being understandable and perceptible in its beautiful aesthetics by any country in the world. José Asunción Flores’ melody has an aesthetic forcefulness that goes far beyond words, languages, and information. For me it goes to the noblest and deepest feelings. For this reason, it is timeless and is situated anywhere in the world.

The Symposium on Guaranía, organized in November 2023, was an opportunity to share perspectives and approaches aiming to revalue this artistic legacy that is highly important for the country. For this reason, this musical genre is intended to be inscribed on

the list of Intangible Cultural Heritage of Humanity of UNESCO. Following the example of tango, and more recently, of the chamamé.

The extraordinary contribution of José Asunción Flores was the creation of a new musical genre. This issue must be reevaluated by the country, considering the musical model created. Furthermore, also considering the context in which Flores composed a set of popular and symphonic works that continue to influence our sensitivity and allow new readings. This reevaluation could consider the set of his popular works such as 'Arribeño resay' ('Tears of an Arribeño'), 'Ka'aty' ('Yerbal'), 'Gallito cantor', 'Ne rendápe aju' ('I come next to you') and his symphonic poems like 'Mburicao' ('Dance of the Water'), 'Guyrau' ('Black Thrush'), 'India', a piece for ballet; 'Pyhare pyte' ('Deep Night') and his great song in favor of universal fraternity and against war, 'María de la Paz', inspired by the tragedy of the nuclear bombing of the Japanese cities of Hiroshima and Nagasaki.

For decades he was banned by his country's authoritarian regimes due to his socialist ideals and his fight for the freedom of political prisoners. Though, he managed to have all his popular works and his eleven poems performed in concerts and recorded on disc during his life. This is a unique case in the musical history of Paraguay.

His autobiographical texts were rescued this year. They were written in the last stage of his life, in the middle of a very serious illness. These texts were published under the title "Memories" of José Asunción Flores, edited by Alcibíades González Delvalle and the journalist Antonio V. Pecci, author of this article. In this work, he refutes the attack of the Stroessner dictatorship (1954-1989) that launched a campaign denying him the paternity of Guaranía. However, simultaneously, he offers insights into the creation process of the new musical genre, outlining its defining stages and roots. Additionally, he addresses the challenge that composers of this genre faced in elevating Paraguayan music and its contributions to the symphonic level.

The distinguished novelist Augusto Roa Bastos, Cervantes Prize 1989, a close friend of the musician and companion in exile for many years in the Argentine capital would say:

*Flores is an exceptional man, although this word is very worn out (...) He is a man who made himself. Is one of the few Paraguayans that I have seen forge himself through his talent, his will, his intuition of the human condition. He was also a kind of permanent glow of vital joy.*

# Revisiting Benin Linguistic and Cultural Legacy in the Americas: Living Heritage of a Transatlantic Dialogue

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Hippolyte Brice Sogbossi<sup>96</sup>

The heritage issue has attracted increasing interest in recent years. Intangible heritage is defined as that cultural element, in its broadest sense, which refers to both practices and social spheres related to knowledge and practices in time and space. Forms of social consciousness, ideology, philosophy, etc. Indeed, intangible cultural heritage is a category of cultural heritage defined by the “2003 Convention for the Safeguarding of the Intangible Cultural Heritage” and adopted by UNESCO.

Language is one of the forms of expression of social reality, and can be vehicular or conventual, for religious reasons. It is also the expression of identity par excellence of a human group, a nation or a society.

In the anthropology of religion, more specially of Afro-American (or African American) religions, there are recurrent restless discussions and attempts at theoretical formulations on such a thought-provoking topic. My goal in this article is to showcase the legacy of Dahomean culture in the Americas and the multicultural dialogue between Africa, always considering as a basis the Adja-Fon and Yoruba-Nago knowledge in the present-day Republic of Benin.

What are these themes? In understanding the dialogue, does it mean that it is limited to the commercial and transatlantic slave trade aspect and to the supposed redefinition of identities from the returnees, the former slaves and their descendants that go back to Africa? Which are the basics that allow me to question this kind of dialogue? In the cultural aspect, does it mean that ritual language constitutes a sufficient element to explain this dialogue. Or, are there other elements that reinforce significations to the point of nullifying the first element, or simply make it indispensable? As for anonymous African-American literature, what are the challenges for its conservation and how are social conscience forms expressed in this treasure? What are the mechanisms of continuity in this process of preservation of the legacy?

If research on one of the two sides of the Atlantic has been done, the necessary link between both sides could be a subject of research, but so far, very limited written works exist.

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96 Federal University of Sergipe, Brazil.

Otherwise, it is necessary to investigate not only the cultural dialogue between Africa and America, but also the cultural dialogue among American countries as a whole, united and diverse on one side, and the African continent.

In the eighteenth century, commercial relations between the two continents were intense, and they have continued developing in some way up until today. Considering all these aspects means highlighting conjectures that deal with the history of religious systems formation, and on possible origins of ethnic groups; the historical ground of intercultural dialogue between Africa and America; the social, historical and cultural motivations of the dialogue, and situations, occurrences and important and concrete processes of African heritage in the countries on the other side of the Atlantic.

More recently, the relation between art and religion has been discussed, an undoubtedly legitimate concern. This concern will progressively reinforce the importance of religious language in constant transformations, and of African presence and inspiration in the Americas.

### **Dahomean or Ewé-Fon elements in Arará Santería, Vodun in Haiti, and Mina-Jeje Candomblé in Brazil**

The African presence in the New World has been identified throughout the Americas, from Canada to Patagonia. A brief reference to African enslavement between the fifteenth and nineteenth centuries shows how transatlantic trade has been the principal cause of the link between the countries or nations involved in the greatest holocaust that humanity has ever suffered. Triangular commerce may be considered as a consequence.

As transatlantic commerce is concerned, the African imported nations were: Congo, Angola, Jeje, Maxi, Yoruba, Nagô, Fanti, Ashanti, Soninké, Pepel, Susu, Balanta, Malinké, Gangá, Peul, Bariba, Ibadan, Bambara, Wolof, Ewé, Mina, Arará, Malagashi, Abakuá, Carabali, Mossi, and others. On the composition of the religious nations, the studies of Fernando Ortiz (1924), Bastide (1967) and Métraux (1963) refer to the presence of Santería in Cuba and Vodun in Haiti. Furthermore, Candomblé, Tambor de Mina, Batuque and so on in Brazil, are regional modalities of African presence cults in different regions of that country, thus part of immaterial patrimony of Brazilian people is religion.

A basic premise of the studies on the dialogue between Africa and the Americas is provided by José Antonio Saco, a Cuban intellectual, when he quotes that we cannot think about the Americas without thinking about Africa, and vice versa. Thus, the study may start from the flux and the reflux, words created at that time by Pierre Verger (1968) to characterize both directions of the cultural heritage between the two continents. It is worth mentioning that religion and language are of importance in these comparisons.

Ethnic groups could be considered countries, until the period before the Berlin Conference in 1885. In the Benin Republic, for instance, Fon, Maxi, Yoruba, Dendi, Bariba, Mina or Gen, and others were countries. The concept of nation was reduced to a stable linguistic and cultural unit, established in a territory. After the Berlin Conference, the signification of the concept has changed, because of the new configuration of the continent by colonizers such as France, Spain, Portugal, England and Germany: the arbitrary division of Africa, which provoked confusion in the relations between nations and ethnic groups.

The situation persists to this day. Some tensions created from that violent destruction of the hegemony of realms and empires originated from the policy of divide to better rule. The process of colonization of the continent was a concrete practice of that policy. Settlement and exploitation colonies have been created. A lot of natural resources have been moved from Africa. Movements against colonization have been organized, and this contributed to the independence of many countries in the twentieth century. Pan-Africanism also helped in these victories. Pan-Africanism is the movement or link that united Africans from the continent and Africans of the diaspora with a common objective: complete liberation of the African continent. Movements of returnees (to the continent) were also organized.

## The study of linguistic retentions: Challenges and results

### Cuba

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Regarding Cuba, some information was obtained from the communities of Jovellanos, Perico and Agramonte. I was able to know the level of comprehension of the contents of ritual songs. The question was to know whether the groups were conscious of what the messages in the lyrics were. I do not want to comment on a series of underlying behaviors related to secrets, because of the diversity of forms of replies from the informants. Some of them are reticent in furnishing the correct information. Some others do not know the real significance of the ritual songs, and argue that the deity is the only one that knows the content of the song, and so on. A fundamental element in the development of the present study has been fieldwork based on the work of informants from Jovellanos (Maximiliano Baró and Miguelina Baró) and from Perico (Emiliano Zulueta).

The samples – more than 180 ritual songs and prayers, 300 words and a highly significant number of proverbs, fables, guiles and refrains – are in Fon, except for cases of lexical loans of other African languages. It is important to draw attention to the fact that chants, prayers and lexicons are used according to their place, meaning that there are songs, prayers and ritual lexicon far from the ritual context as well.

There are some doubts on who was the soloist: if it was the deities, the drum players, or the interpreters of songs embedded in the public in general. The response is different in each context, and it depends on the importance of the secret. It seems that the content or meaning of the song is not the most important. And this is true with Afro-Brazilian adepts of Candomblé as well. What is of interest is the intention and the context in which the songs are performed.

The lexicon has been amplified to some 300 words and expressions of Dahomean origin in Cuba. Also, the universe of the ritual songs has been extended considerably. I studied phrases, refrains and knowledge of Adja-Fon origin, elements that have been registered in the linguistic and cultural treasure of the Ararás in Cuba.

## Haiti

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Vodun in Haiti is an integration of various nations: Guedé (Gédévi), Aradás, Congo and Zandor. It is worth mentioning the importance of the créole language as an integration language, with a substratum in French and Fon (Sogbossi 1996, 66-69). Example: *Lègba louvri Barryè agooo eee*. We identify words in the Fon language such as *Lègba*, the name of a deity; *ago* 'license, permission.' *Louvri* and *barryè*, are forms of transcription to Créole the French words *ouvrir* 'to open' and *barrière* 'a barrier'. The word *vodun* has been used only to state that religions of African origin are diverse in the Americas.

The basis of the work is a sample of lexicon, knowledge and songs that I selected from various books and reviews. *Le Vodou haïtien* by Alfred Métraux (1963), *Le Royaume d'Ardra e son évangélisation au XVIIIè siècle* by Henri Labouret; Laennec Hurbon's *Dieu dans le vodou haïtien* (1987) and Guérin Montilus' *Dieux en Diaspora: les loa haïtiens et les vaudou du Royaume d'Allada (Bénin)* (1988).

The Fon presence – or another African language – in the Créole must be seen, not only in the words of African languages and in the texture of créole phrases, as quoted by Price-Mars. But also in the pronunciation and intonation of the *lingua franca* of enslaved Africans: the French language. In other words, we must see the presence in terms of influence.

I distinguish three characteristics: stretching or great vowel shift; nasalization or shift from oralization to nasalisation; and *nasalizaçã*o or great nasal vowel shift. In the case of proper nouns such as René, Sénégal and Dahomey, Fon people pronounce them as: Hlenen, Senenga, and Danxomen, respectively. Phonetical aspects and phonological ones: nu; n'l; 'for'. Morphological aspects: three cases of Fon presence: the morpheme of future {n'a}; that of participle {-etè} and those of infinitive {-re} and {-é}. Future: {n'a}. Jacques Roumain (1944) uses expressions such as *n'a rivé...*, *n'a entré...*, *n'a remercié...* All of them translated as 'we will come,' 'we will enter,' and 'we will acknowledge,' respectfully. In Fon the morpheme {n'a} is used for the future. In present-day Benin, among the Fon speakers of the coast, there is a

tendency to use expressions or words from European languages such as French, English, or Portuguese, which demonstrates a similitude of this practice as compared with the Créole spoken in Haiti. This is also applicable to the infinitive.

Far from the compared lexicon of Fon terms in Haitian Vodun from the Dahomean and Haitian contexts, with words such as *govi* 'pitcher,' *zen*, 'pitcher' (also), *hunsi* 'adept of Vodun,' *hunguenikon* (*hunj'nukon*) 'assistant of a priest of Vodun,' *Ezili* (*Azili*) 'the deity of sensuality, a kind of Ochun,' *bokor* (*bokono*) 'ifa priest,' *hunfor* (*hunxo*) 'the Vodun temple,' and so on...; *Lègba* (deity, equivalent to Exu of the Yoruba), *hunguenikon* (variant of *hunjenükön* 'assistant of a religious leader'), *azaka* (deity of Savalu people), *hun* (deity), and *hungan* (Vodun priest). I will only mention three words of Fon origin: *M*: personal pronoun. First singular person; it seems that it originates from *m* or *un*, from the Fon language. In this language it is used as a subject. In complementary form we use *mi*. According to Vaval (1995) *m* is the contraction of *mwen* in Créole and both forms are used without distinction. *Ni*: appears in Brown (1973) and means 'to him, to her,' thus: *M (n) di ni*: 'I tell him.' In Portuguese: 'I tell for him' (literally). To express "for him, for her," we use the form *nu l*, or the agglutinated form *n' ii* or *nwi*. On Martinica Island *nu* is used to refer to the prepositions "to" and "for," as in Fon; in Haiti, *pu* is used. T

The analysis proves the similarity in the sequence of the words in Créole and in Fon, as observed, for example in *Gouverneurs de la Rosée* of Jacques Roumain. According to Guérin Montilus (1988) the Fon influence is very clear in this theology of God that is fundamental for Haitian: God is the protector of the innocents, the orphans, the abandoned, and the chased. In Cuba also, a proverb with the same meaning still exists, with a mixture of Fon and the Spanish spoken by blacks in earlier times. The presence of Fon and its similar forms in Haitian Créole is evident in pronunciation, intonation, and contexture, and its words and expressions.

In the case of Brazilian Portuguese, one of the research (Castro 2001) proves that there is an indisputable presence of the structure and signification of African languages such as Yoruba and Fon.

## Brazil

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In this country, research in São Luiz do Maranhão revealed a resemblance to the tune and repetition almost faithful of the words. The adopted technique is direct and participant observation; I have been noting some data to more easily describe rituals. The funeral ritual must have importance and is described as taking into account principally two cult-houses: the Axé Opô Afonjá and the Bogum cult-houses. The *Axexê* in the first one has been dedicated to the Brazilian writer Jorge Amado, who died in August 2001. In the second one I participated in the seventh anniversary of the death of the mother-of-saint Evangelista dos Anjos Costa, doné Gamo Lokossi, also known as Nicinha. The zenli ceremonies included some Fon ritual songs.

With the goal of extending the field of comparison and to better understand funerary rituals, I had an opportunity to assist one *Axexê* in the Gantois cult house. It is certainly remarkable that the *jeje-nagô* houses of Bahia have a cultural dialogue; it means that, according to Nina Rodrigues (1977) the two cults coexist so that we can speak more about a *jeje-nagô* mythology than a simple *jeje* or a *nagô* mythology. The cult houses of Roça do Ventura and of Hunkpamè Ayönu Huntölöji, both in Cachoeira, also have a series of rites performed such as the *zandrö*, a kind of night watch, the Azili ritual, and the *tomar grá*, a phase of a devotee initiation. There is also the Boitá ritual, the *itá*, some kinds of procession around sacred trees and to revered deities of the *jeje* pantheon.

## Conclusions

Cultural and linguistic retentions in the New World recalls Africa. The corpus of songs, words and expressions of African origin, specifically of Dahomean origin, phonetical, phonological and morphological aspects stand as sufficient evidence of this dialogue. The songs are occasionally translated literally in order to provide a total comprehension of the message from the poem or text. There are partial translations that need, to be more intelligible, an approximation between researcher and informant. The researcher needs to understand some keywords stored in the informant's memory, contextualize them, and then infer a major comprehension, a more complete comprehension. The legacy concerns various aspects such as art, religion, cooking, kinship, and others.

In short, this modest work, which does not assume to exhaust the topic nor to reach results and definitive conclusions, should be seen as a first approximation, and it will serve as an introduction to further research, or simply as an expansion of the studies that work on African retentions in general, and Dahomean in particular, in Latin American cultures.

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# From the Heart of Haiti to the Crossroads of the Americas: **Joumou Soup and Cassava, Symbols of Our Identity**

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Dominique Dupuy<sup>97</sup>

In March 2023, Republic of Haiti, Cuba, Honduras and the Dominican Republic presented a multinational nomination for its inscription on the Representative List (RL) of the Intangible Cultural Heritage of Humanity, under the 2003 UNESCO Convention. Thus, the five countries jointly completed a long process to have the traditional knowledge and practices for the elaboration and consumption of Cassava bread to be included in the RL.

Cassava, a word that today refers to a whole range of traditional preparations made from manioc flour, developed a thousand years ago on the fringes of the Amazon basin. These knowledges and practices were spread by indigenous civilizations who migrated throughout Central America and the whole of the West Indies arc. For several months, experts' teams from the five involved countries worked together to produce a strong nomination file. The nomination highlights what we share and have in common. It also recognizes the specific local characteristics of Cassava traditions in each country and region.

The Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage will examine this application in December 2024.

This is the second nomination presented by Haiti for its inclusion in the 2003 Convention listing system. The Joumou soup, known as soup of the independence, was Haiti's first nomination inscribed by the Committee on the Representative List, on December 16, 2021. For Haiti, the inclusion of Cassava in this list carries vital symbolic significance, particularly in the current national context and in the wake of the historic inclusion of the soup.

The Joumou soup is prepared with giraumon<sup>98</sup>, or turban squash, a variety of native gourd from the Haiti island. It was already cultivated in pre-Columbian times. During the

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97 Ambassador, Permanent Delegate of Haiti to UNESCO. Speech delivered on the occasion of the presentation of the Cassava nomination file, UNESCO, March 2023.

98 The term giraumon derives from jirumum, borrowed from Tupi, a Native American language. A variety of dishes prepared from this gourd exist in Caribbean and Latin American cuisines.

French colony, eating this soup was a privilege reserved for colonists because it was seen as a refined dish. When independence was proclaimed on 1 January 1804, this soup was shared by the entire Haitian population as a symbol of freedom, equality, and fraternity. Since then, it has been ritually prepared and shared by all Haitians, everywhere, every year as the heart of the traditional New Year's Day menu, which is also Haiti's Independence Day.

It was highly symbolic that this element of our culinary heritage, emblematic of our fight for freedom and independence, for equality and self-determination, an icon of the anti-colonial and anti-slavery ideals of our African forebears and Afro-descendants, should be the subject of our first contribution to this list. This dish, which tells the essence of our identity as a people, should enter in conversation with other practices from the four corners of the world that have already been included in the listing system.

The soup inscription reminds us, and the rest of the world, of our intrinsic identity and highlights the contributions of our struggles to human history.

On the other hand, the inclusion of the Cassava, a multilateral, multinational, multi-country nomination, reminds us that Haiti also belongs entirely to a much wider geographical area and identity. Furthermore, the country shares a common heritage and identity with the Latin American region. This reminder may be necessary both for Haiti and for the rest of the world.

Cassava also extends the time around the history of Haiti. It reminds us that our history precedes European colonization and is also rooted in thousands of years of history. Following in the footsteps of our neighbors, this inclusion illustrates how we have been able to preserve, against both human and natural threats, this traditional know-how and knowledge that is so important to our people, past and present.

This millennial Cassava is one of the rare and important witnesses of the brutal encounter between Europe and America, since the end of the 15th century. It also witnesses the fragile and critical transmission that, however, took place at a time when the indigenous Taino population was on the verge of total extermination, due to the violence produced by contact with Europeans. However, this is also a period in which the first sons and daughters of the land of Haiti were able, despite everything, to transmit their knowledge to the enslaved African populations, who were transported and forcibly implanted by the Europeans to work in these new colonies.

It was an unprecedented climate of tension, under the yoke of colonial oppression that led to the virtual disappearance of one indigenous population and the brutal exploitation of another. However, there were still, among these men and women, Tainos and Africans, opportunities to share, mutual help and transfer valuable knowledge. All this of knowledge, art of transforming bitter manioc into Cassava, will survive the genocide of the Tainos. As well as centuries of slavery, a crime against humanity, so that today it fully belongs to our peoples, our republics, and our free and democratic societies.

Cassava, like Joumou soup, is an element of resilience, a resilience that entails both trauma as well as triumph. We must recognize and heal these traumas so that we can shape our triumphs and proudly present them to the world. These successive nominations mark this new stage of triumphs, and it is precisely what we are celebrating today.

In addition, for us Haitians, the symbolism of recognizing the Cassava has a resonance that can be linked to our most fundamental landmark, the very name of our homeland, Haiti. In fact, during the drafting of the Declaration of Independence our founding fathers and mothers decided to name this first independent black nation, Haiti, while sharing a bowl of soup. This nation, born of the first and only victorious revolution in the history of humanity, was led by an enslaved people. Haiti, a word that in the Taino language means land of mountains, was the name chosen in homage to its first inhabitants, the Tainos.

Together, Cassava and the name of our country serve as a reminder of everything our ancestors bequeathed us on this land. Furthermore, they remind us that we are custodians of skills and knowledges that we must preserve and transmit to future generations, as key elements of our identity.

For all these reasons, it is with great enthusiasm that we present Cassava to the world. This commitment is also a way of expressing that, despite the crises that our countries are going through, together as fellow people we can raise our traditional knowledge to the noblest register of humanity. It is also a way of affirming that we can engage in conversations with the rest of the world and propose solutions to the current crises.

In Haiti today, 4.5 million of my compatriots face food insecurity. Cassava, this millennial tradition, is a bulwark against hunger and a means of surviving and adapting to contemporary challenges, particularly the effects of climate change. In 2019, the United Nations declared Cassava the food of the century, not only for its ability to nourish us, but also for its contribution to the advancement of our peoples. Each of our five countries is facing difficulties, whether national, regional, or global. Together, united around the Cassava, we are contributing to the difficult task of building peace, which is above all the mandate that brings us together at UNESCO.

*Joumou soup and Cassava are symbolic elements of our past and our progress as a people. They contribute to refocus Haiti in its history, in the heart of its unique and deeply African identity. At the same time, the country is placed in the heart of the Caribbean and Latin American regional space, at the crossroads of the Americas.*

# Afro-Panamanian Memory Museum: A Template of Good Practices

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Emma Gómez<sup>99</sup>

Portobelo is a community of Afro-Panamanians in the province of Colón. It has several attractions. Everything speaks to us: the people, the living heritage, the walls of the monumental heritage and the landscape. Including the Caribbean sky, the sea and boundless flora around us. All existing historical buildings and monumental ruins testifies the historical prominence of Portobelo, in its different periods. It includes the history of conquest and colonization, as well as the intense activity that occurred on its streets, walls, alleys and marine or jungle landscapes.

During the colonial period, in the 16<sup>th</sup> century and once power was secured, in this community the installation of spaces and fortresses was carried out by enslaved Africans.

These buildings were directed by architects from the Spanish government, for strategic military domain and for boosting the trade from sea and land.

The Royal Customs in Portobelo, formerly a hubbub trading center for the Portobelo fairs, has been since June 2023 the headquarters of the Afro-Panamanian Memory Museum. Currently, history is told and described from different dimensions and rooms with different narratives, with audiovisual and technological resources. The stories now follow a thread from the colony ancestors to reaching the living heritage that built an imaginary of interpretations. The oral narrations and expressions show the rituals from festive celebrations and how the population wholeheartedly embraced devotions from the conquistador.

To understand the importance of establishing the Afro-Panamanian Memory Museum in Portobelo and in the Royal Customs, history gives us clues on the mission from this building. Historian Alfredo Castillero Calvo refers to how silver deposits found in Mexico and Bolivia impacted Panama:

*When the American spaces were organized in this manner and the system of fleets, trade fairs and galleons was created to extract silver from the rich metal deposits and take it to Spain, Panama was in the middle. This wealth crossed the isthmus to concentrate at the Caribbean terminal, where the Portobelo fair was held (Calvo 2015).*

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99 Focal point of Intangible Cultural Heritage, Micultura, Panama.

The Real Accounts or Customs from Portobelo led the registration and administrative control of the arrival of galleons and exchange of goods. It was a warehouse, depository, with offices for trade fairs on its ground floor, and also the governor's residence and lodging for high-ranking authorities on its upper floor. It was a center for distribution of riches and products transported by mules via Royal Road from Portobelo to the heart of Panama through the Chagres rivers, to be sent to the Pacific and from there to Peru and Spain.

The renown of the riches, products, and exchanges of gold and pearls with China and other countries attracted pirates, privateers, and various traders, leading to a decline in the number of fairs held (Castillero Calvo reports that 95 of them were developed).

The traffic and fair-trade destination diminished and Portobelo had a painful action added to its history: But since Panama was a key route for the Spanish empire, the crown did not abandon it, granting it two formidable resources. On one hand, Panama was turned for a decade into the main center for slave distribution in America. On the other hand, it established an annual contribution that Peru was required to send to cover its military and bureaucratic expenses, known as the "wage." (Calvo 2015).

The customs building, in Renaissance style and built in the 17<sup>th</sup> century (more precisely in 1630), is one of the last colonial buildings in Portobelo. It is located at and is part of the monumental area of Portobelo. The Fortifications on the Caribbean side of Panamá, Portobelo and San Lorenzo, were declared World Heritage by UNESCO in 1980.

In 2012, 32 years later, the monumental set of the Fortifications was declared in danger. All current projects for restoration and integration to the sustainable development of this area contribute to teach the population about the monumental site, measures and management plans to avoid harm and generate development.

The 2003 Convention establishes among its statements "the deep-seated interdependence that exists between the intangible cultural heritage and the tangible cultural and natural heritage." On the other hand, respecting the fundamental values of synergy between heritages was the theme of the 2011 General World Heritage Conference for the State Members to enforce it voluntarily:

*It outlines the Historic Urban Landscape (HUL) approach, which moves beyond the preservation of the physical environment and approaches on the entire human environment with all its tangible and intangible qualities. It seeks to increase the sustainability of planning and design interventions by considering the existing built environment, intangible heritage, cultural diversity, socio-economic and environmental factors along with local community values (UNESCO 2011).*

Since the process of establishing the Afro-Panamanian Memory Museum in the Customs building, there are many approaches consistent with its contents. The team that

aligned the museology, coordinated by Anayansi Chihaco from the Museum, with CIHAC and Heritage, analyzed the meaning of the country's new museum, of the Afro-descendant population in general, and of the Afro-Panamanians who live around it.

It was essential to make consultations in all senses: about the location of houses in relation to the monumental area, about the integration of the local workforce in the restoration steps, or about how they wanted to name the museum. On the other hand, the distribution of rooms and the script on how to tell 400 years of history were carefully selected, to give a foundation to those responsible for the museography.

Guillermina Benítez, anthropologist and specialist in Heritage Education, values the careful planning of the work script for the interdisciplinary team from the Ministry of Culture, including consultations to citizens, where the respondents about the intangible cultural heritage of the region expressed how they wanted to see themselves in this museum and what elements should be present. Benítez establishes that, now, the fundamental challenge is the continuity of the museum and the need for teaching programs and permanent promotion strategies.

Architect Eustorgio Márquez, head and supervisor responsible for the Customs/Museum project, wrote on the inauguration program that, for the plan to give this building a functional museum and preserving the values from the building and from the first restoration developed in the 1990s, a second step of construction plans was required. On the walls, both the stone veins from the colonial building and the splendor and texture of coral columns and walls can be appreciated. The external room describes and illustrates on panels the fairs and the history of the Customs and fortifications.

Now, it is a building that narrates, inside and out, the architectural history and steps for restoration of Customs. Aprocosa was the hired company. Achieving success in both endeavors—the restoration and establishment of the museum—incurred a cost of 3.7 million dollars, funded through a loan from the IDB. The maintenance and administrative procedures involve the city of Portobelo and the leadership of the Patronage of Portobelo and San Lorenzo, demonstrating their collaborative efforts with various civil society institutions and organizations.

Once the two narrative rooms were established, the first room's script should talk about the past of uprooting and slavery. One of the most prominent museology approaches was the one coordinated for the script by Marixa Lasso, historian and director of the Historical, Anthropological and Cultural Research Center (CIHAC), with the goal of showing how much the Afro-Panamanians had to navigate in the process of achieving freedom. The historical room integrates the achievements and contributions from slaves in the country's development history. This is narrated by the museography with a large interactive map of the travels from Africa, alternate parts we can touch and turn to obtain information on names, life stories, almost anonymous or unfamiliar heroes, data, figures, fundamental dates.

For Jonathan Hernández, responsible for the museography, the biggest challenges were to “condense 400 years of history without long texts, but with historic accuracy,” and present a concept “that respected the architectural characteristics not to compete with them, but to highlight them.” All of this is included in a curatorial proposal that complies with the laws and conventions on a monument, with community validation and with the integration of local artists in the creation of images and intervention in the furnishings.

His “greatest satisfaction comes from seeing how people use the exhibits, creating convivial spaces where people from different cultures and standpoints can meet to explore, feel proud to be from here, contributing to the education of a country I am fortunate to consider my home.” Challenges and needs: “Panama is a highly unique country with an immensely rich history. More spaces like the ones we have designed for the Afro-Panamanian Memory Museum are needed.”

Room two of the museum goes in the opposite direction – from the relevance of the living heritage to the interpretation of its history through traditional expressions of the intangible cultural heritage. It shows the resilience from descendants of runaway slaves who fought against oppression during the colonial period and describes the power of creativity to celebrate through festive recreation of the conquest of freedom by Congo *nengres* (men). Their dance represents the triumph from *nengres* and *machas* (women) over the devil represented by the slaver.

The room highlights two main themes: cultural practices associated to the strong devotion to the Black Christ of Portobelo, with videos, news, oral tradition and the display of a tunic; and the ritual and festive expressions from the Congo culture, recognized as Intangible Cultural Heritage of Humanity by UNESCO on November 29, 2018.

This room describes the cycles of celebration from the Congo season, its chants, music with strong presence of drums as an instrument and as a rhythm current spread throughout our geography. There are also videos, artistic furnishings, recreations of colors from the ribbons of the Mice or Congo queen crown, drums and seats that are used by visitors who play them; and mortars that remind us of the connection with the earth and products from the traditional cuisine.

For Giselle González Villarrué, minister of Culture: the restoration of the Royal Customs in Portobelo meets the need to safeguard a monumental Panamanian heritage that was in danger of being lost and that is witness to the architectural wealth of a period. Creating this space in this Museum is an act of justice that values the living heritage that safeguards the ancestral memory, and that currently generates new life stories far from the echoes of slavery that made a mark on multiple generations of Afro-descendants.

This is the restored Customs building, the Afro-Panamanian Memory Museum for locals and visitors from all over the world, often illustrated in art by local workers and artists. It is a museum which has its guides and neighbor people receive workshops, assistance, and seed funds for their endeavors. Recently, Portobelo celebrated near the Museum a prototype of fair with popular culture and flavors because its new fairs will be a place for selling joy – never again for trading human beings.

In the context of the 20<sup>th</sup> anniversary of the 2003 Convention, for the safeguarding of the intangible cultural heritage, having a Museum of this nature, and a team who knew how to consider all contexts, with authorities and professionals truly aligned, represents a model of good practices, which documents and processes comprise educational resources for future projects.

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# The Indigenous Arts Center and Its Cultural Regeneration Model: An Exercise on Cultural Rights

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Humberto García<sup>100</sup>

Eneida Hernández<sup>101</sup>

## Introduction

On this Totonaca land, a cultural process started over 20 years ago. The story begins with a major international festival, in the year 2000, in the spring of the new millennium. The purpose established by them was to show the world the archaeological area of El Tajín, having the living Totonaca culture as host.

The archaeological monuments zone El Tajín<sup>102</sup> is located in the eastern Mexican territory, on the shores of the Gulf of Mexico. According to the Totonacas, deities live in this sacred city. El Tajín and its Pyramid of the 365 Niches were declared a World Heritage site by UNESCO in 1992. The Pyramid of the Niches is a building that symbolizes a solar calendar, possessing a unique beauty that embodies the knowledge and artistry of the ancient inhabitants of the Totonac lands. In this place was held the first Tajín Summit Festival during the spring of the new century. This event was proposed by the government of the state of Veracruz. Thus, the organization of an international festival would help to promote the heritage richness of this site and to attract visitors to the region. The event was also expected to generate economic income.

More than two decades later, we can say that the Tajín Summit Festival, also known as “The Identity Festival”, positioned itself as one of the most important events, not only in Mexico, but also internationally. It has allowed the region to become a major tourist attraction during the festival, which is always organized around the spring equinox. This is a high season for tourism service providers. This results in the generation of jobs and, therefore, economic income for its inhabitants.

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100 Of Totonaco origin, pedagogue as a profession, current director of the Indigenous Arts Center (CAI). Creator of the cultural regeneration model from the Indigenous Arts Center. University academic with 19 years of experience.

101 Engineer of Nahuatl origin and founder of the Indigenous Arts Center. Current councilor for indigenous art processes CAI fosters in new generations.

102 This is the official denomination given by the National Anthropology and History Institute (INAH).

The Tajín Summit also led to the creation of the Takilhsukut Park for hosting the Festival and other massive events. The government of the state of Veracruz created a Public Trust for Administration and Operation of the Takilhsukut Park, through an official decree adopted in 2005, in order to ensure its management. This trust operates with an initial investment from the state government in assets, equipment, and facilities such as auditoriums, spaces for workshops, therapies, green areas, etc.

Since 2006, this place has become the headquarters of Xtaxkgakget Makgkaxtlawana/ The Artists' Glow, the Center for Indigenous Arts (CAI). The Center was selected in 2012 on the Register of Good Safeguarding Practices of UNESCO. This recognition has become a management key that has gradually allowed the position the Intangible Cultural Heritage from the Totonaca people in different scenarios.

For all these reasons, the cultural experience of the Totonacapan, supported by the Veracruz government, generated the conditions to create the CAI in 2006. The Center was established under the principles of public policy on social investment in education for indigenous peoples. Additionally, it recognizes creative diversity, promotes respect for intercultural dialogue, aims at decolonizing indigenous art, strengthens the self-management abilities of indigenous peoples, and supports regional development. All these public policy principles are established in local, national, and international laws endorsed by Mexico. In the CAI, we only proposed to make them effective, put them into practice, so that they were not mere words on the paper or speech.

The key motivation was a retrospective look to ancient Mexico, where pre-hispanic cultures had their own educational institutions to develop fundamental aspects for the continuity and development of civilizations. There were institutions such as *calmecac* and *telpochcalli*, where the governors and warriors were formed. But there were also the *cuicacalli* (singing houses), *xochikali* (sacred flower house), the paintings house, the maidens house (where they learned the art of dance and about life), and the healing house, among others.

The main intention was, and is still today, to forge the human heart. Likewise, to understand why we are here and to do what we need to do, with sense, with principles, discipline, commitment, and love. In short, bringing out the light in things. For these reasons, and also as a result of the approach to the Totonaca culture, the CAI has turned into a space for dialogue and exchange with academics and indigenous and non-indigenous artists. Here, managers are trained for a regional cultural regeneration process, from the art and culture of our indigenous peoples.

In this sense, we, the Totonacapan, revitalized a model of formation, research and artistic creation for cultural boosting. The Totonaca civilization has built a real, own institution that allows the healthy coexistence with the inherited heritage, giving meaning to Good *Living* from an indigenous standpoint.

In 17 years, the CAI has been consolidated as a family of dialog and exchange. A community of creators who gather to strengthen our knowledge, looking for our own ways to form the future's indigenous from our own language. We speak, we think and we act as Totonacas. All this as advised by the *Napuxkun Lakgkolon* (Grandmothers and Grandfathers' Council). With them we have built indigenous art schools/houses, such as: *Kantiyán* (Wisdom manor), flowery word house/school, traditional medicine house/school, cotton world house/school, traditional Totonaca pottery house/school, flyers house/school, music house/school, scenic representation house/school, traditional cuisine house/school, paintings house/school, carpentry house/school, land house/school, community tourism house/school, communication and dissemination media house/school, *xochikali*, the flower house/school, museology house/school, the CAI-UNAM project, music initiation house/school for children and youngsters, CAI in Zongolica and in Oluta.

As an Indigenous Arts Center, we are located in the community of El Tajín, in the city of Papantla. More precisely at the Takilhtsukut Park, 1 km away from the El Tajín archaeological zone, 7 km from the city of Papantla, 20 km from the city of Poza Rica, 228 km from the city and harbor of Veracruz, state of Veracruz, and 287 km from Mexico City.

The CAI is our educational institution with a holistic focus, specialized, public, and open, safeguarding our material, spiritual and natural cultural heritage from ancestral knowledge in the cultural, educational, and artistic spheres. With all that, we contribute to the continuity, the retrieval of our own ways of transmitting knowledge and wisdom, and the restitution of the social and spiritual meaning art has to the indigenous people.

The Center enforces the constitutional right of indigenous peoples to fully exercise their culture, their education, and the use of their language. It is also responsible for enforcing the enhancement and development of their ancestral knowledge, music, dance, health and use of media. Furthermore, it supports their unique methods of organizational work, conflict resolution, and holistic development, encompassing physical, mental, and spiritual aspects. To the Totonacas and Nahuas in Veracruz, art is not limited to aesthetics – it is conceived from the deep meaning of life itself to become better, full individuals. It strengthens the social cohesiveness, peace and regional development.

In this institution, indigenous people are the lead actors, guides, masters, creators, and academics. They are responsible for the analysis and discussion on what art represents for them. As well as proposing the way of teaching it, as an integral and holistic formative process in a public space. The educational model is the root of the formation. It systematizes and guides the art teaching processes that allow the apprentice to be more conscious of its meaning and value, as well as discover the Gift each person has.

Like no other teaching-learning center in Mexico, in the Indigenous Arts Center culture and arts are sources of wealth, creativity and economic, intellectual, and spiritual development.

## Cultural regeneration model

The Cultural Control Theory is supported by the recognition of culture elements that peoples recognize as their own. That is, those on which they have full control in the processes of creation, design, production, use, handling, sharing and enjoyment. Imposed elements, those coming from colonial processes, some violent and others more subtle, are also included. Likewise, the appropriated elements, that is, those coming from other cultures, but that the group or people handle with their own decision, and which has its use under control, are analyzed. Other elements in this classification are those estranged, which are owned in their origin, but over which the ability to decide was lost, and those out of context and with no meaning to their creators.

From this foundation, the Cultural Regeneration method is created, proposed by Dr. Gustavo Esteva, who also dimensions the three different levels or scopes of the cultural existence:

*The mythical plane, which would correspond to a tree root. This plane is not visible and nourishes the trunk, branches, flower, and fruits of the culture tree with meanings. "It is the world view, the vision of self, of the divine, human, time, space, spirituality, knowledge, wisdom..."*

*The structural plane corresponds to the tree trunk. It is partially visible and partially not visible, including the person's structure, family, social organization, institutions, ritual practices, and also linguistic structures and rules.*

*The morphological plane is completely visible, including language, technology, clothing, food, music, dance.*

Over this methodological foundation, we proposed the creation of the Indigenous Arts Center. This is a project for education in arts that conveys to new generations the millennial legacy of the Totonaca ancestors, from their own concepts and forms – in other words, we proposed to create a School in our own way.

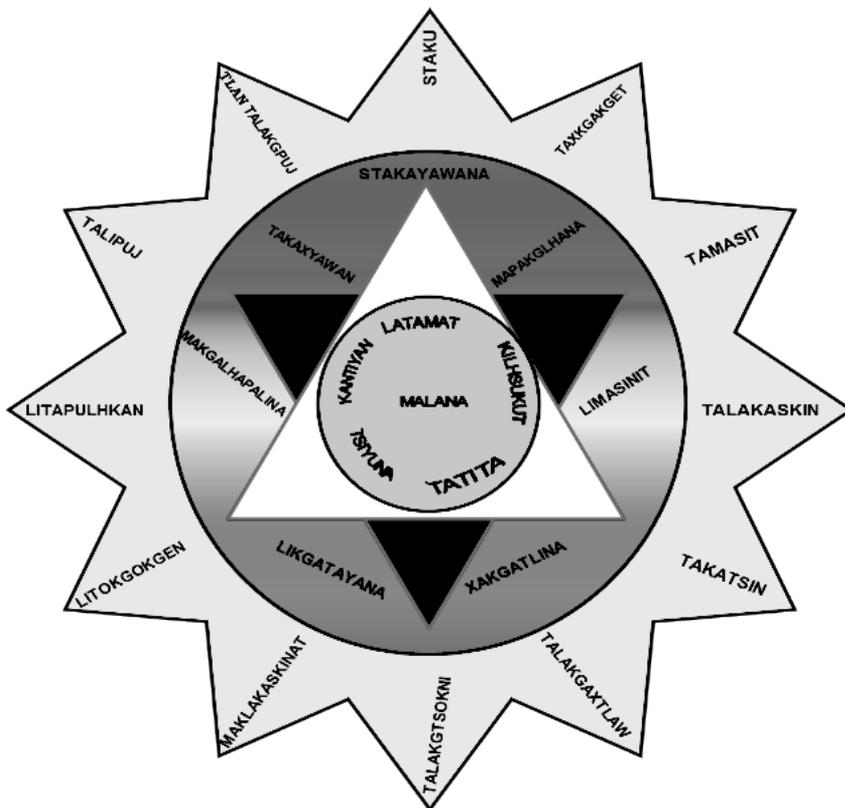
In the establishment of our Center, a diverse group was involved, including masters, elders, tradition keepers, ritualists, cultural promoters, community leaders, Totonac and Nahua artists, as well as academics. Representatives from the Totonac Council, the Indigenous Languages Academy, the Regional Unit on Popular Cultures, the Veracruzana University, and the System for Full Development of the Family were also engaged. Additionally, various traditional and cultural organizations emphasized that organizing ourselves and striving for a better future is the most effective way to validate our rights as indigenous people.

The fundamental element for its creation was, is and will be the use of indigenous language, the general and specific knowledge of indigenous art, the life philosophy that allowed the respectful dialog.

All the creators from CAI are highly sensitive persons aware of the indigenous identity and cultural diversity. Far from generating differences, we turned into a social capital for the good living because our principle is respectful dialog. In addition to the artistic techniques, one fundamentally learns the essence of the *tonaca being* from developing art.

The educational model is the root of the formation, it systematizes and guides the transmission-learning processes. This allows the apprentice to be more conscious of its meaning and value, as well as discover the Gift each person has – developing it will make their life more complete.

A twelve-point star is the symbol or representation of the educational model from CAI and articulates the Totonaca concepts. The center of the image represents life and its creators or deities. It symbolizes the circularity of existence, the inter-relationship between everything that is created.



Totonaca wise people say that, when there is life, it is reflected in green color: everything blossoms, the land is fertile, people smile, there is health, mind and body develop creatively. It is the spiritual part of teaching. The relation between artistic practices and their deities. It determines the holistic sense of the formation. It gives meaning to rituals and ceremonies that accompany the educational process.

The triangles represent duality: light/darkness, heaven/underworld, good/evil, man/woman, black/white; together, they symbolize perfect balance in life. Both aspects must be considered; otherwise, there will be chaos in the person's life. They establish full education, the complementariness of different types of art, and the importance of balance.

The third circle symbolizes the deep knowledge from creativity. Characters that intervene in the formative process are represented in it. Those keeping the knowledge to instruct, educate, guide, or redirect the student or apprentice.

The twelve vertices symbolize the number of times the moon is full during one year. For us, Totonacas, a full moon means good times for fertility, a timely moment to seed. The necessary elements for the pedagogical process and the teaching values are represented in this space. The Gift, a fundamental aspect for developing art, is in this plane.

Since the creation of CAI, the wisdoms from Totonaca art have been intrinsic elements that allowed us to generate good practice processes for the cultural indigenous policy. Through this, we have achieved recognition of cultural and creative diversity as a heritage of humanity from within. Knowing yourself and recognizing yourself as the bearer of great wisdom has been planted in the minds and heart of those who comprise the CAI family.

By fostering effective and respectful intercultural dialogue, we have learned to love one another as siblings, fighting discrimination and racism. This path has led us to decolonize the view on indigenous art, because we strengthen our creative abilities from our *Gift*.

Together, we have built our own educational model with holistic focus for transmission and learning of our millennial legacy, so that future generations are good people.

### **CAI: justice to the Totonaca people**

The CAI has turned into a tireless advocate for the indigenous culture, working in close collaboration with local communities to revitalize and preserve their traditions. Its houses/schools offer a variety of educational programs that include teaching the tradition through artisan craft, traditional medicine, cuisine, dance, music and more. As mentioned before, this allowed CAI to be acknowledged internationally, receiving the prestigious recognition by UNESCO as Intangible Cultural Heritage in the Good Practices category.

Here, in these Totonaca lands, our grandparents lived, they founded the sacred city of Tajín. In this place are buried the bellybuttons from our parents. In this place are the

roots of our being. Here we have our legitimate right to belong from how we conceive life as indigenous people. Laws express it as it follows.

Article 4 of the Political Constitution of the United Mexican States establishes: Every person has the right to access culture and to enjoy the goods and services provided by the State in this matter, as well as to enforce their cultural rights. The State will promote the means for promotion and development of culture, tending to the cultural diversity in all its manifestations and expressions, with full respect to creative freedom. The law will establish the mechanisms for access to and participation in any cultural manifestation.

On the other hand, Article 5 of the Political Constitution of the State of Veracruz de Ignacio de la Llave recognizes that: The State has multicultural and multi-ethnic compositions sustained originally by its indigenous peoples. The law will promote and protect the development of their languages, cultures, uses, and habits, resources and specific forms of social organization.

In Article 2 of the Law on Rights and Indigenous Cultures for the State of Veracruz, there is assurance that: The indigenous peoples and communities have the right to self-determination, autonomy or self-government in issues related to their internal affairs, to preserve, revitalize or develop their own political, legal, economic, social, and cultural institutions.

More than political wills, we aim at enforcing laws to continue forming dignified citizens from the indigenous art standpoint.

The Indigenous Arts Center is an institution justified for its valuable work in safeguarding the people's cultural heritage. Also, because through it, we strengthen the transmission of millennial artistic work from indigenous art. In this sense, we contribute to the fight against discrimination and racism, because we promote with dignity our ancestral indigenous legacy in the local, regional, national, and international levels. Through this, we boost the economic, educational, social, artistic, and cultural development of our people, thereby contributing to the generation of other sustainable sources of income for indigenous families considered vulnerable. However, for us, they are bearers of artistic talent with greater possibilities of growth based on their own life models. We have bet on it, and this has given good and great results, such as the distinction by UNESCO.

This recognition reinforces the purpose and existence of this Arts Center. The Center is not only focus on technique. It emphasizes the formation of worthy human beings, with abilities, craftsmanship, attitudes, values, and development of the spirituality of each individual who participates in it, since we consider ourselves a true family.

## Present challenges

The Indigenous Arts Center in Veracruz represents a beacon of hope and a role model for preservation and promotion of the cultural heritage in Mexico and the world. However, despite its remarkable achievements, the CAI also faces challenges that must be addressed to ensure a brighter and more sustainable future for cultural heritages.

It has not been an easy process – despite the progress that allowed the recognition by UNESCO, we have faced major hurdles. The first challenge was to convince the Totonacas so they could believe in our proposal as a serious project. We had to explain that they would be the masters and would have control over the way to convey their legacy. It was hard work because for several years they had to endure the imposition of models of education and life.

The national homogenizing educational system has been one of the main agents for acculturation of our original peoples. “School hurts us,” our grandparents said.

We know of the long night they endured in official schools – for a long time they could not speak their own language, exercise their culture in exchange of aspiring to be “incorporated to progress”. Our great cultural diversity was considered “an obstacle to development”.

Another challenge we have had to face in CAI, a permanent one, is to communicate worlds – that is, to enforce the recognition to our diversity, to the fact that we are a multicultural country and that a respectful and effective dialog must be boosted in the cultural interaction.

Our indigenous peoples have had to develop strategies for resistance and survival in refuge spaces. Not only geographic, which are increasingly limited, but also in the family and ritual spaces, at times masking the true meaning of own concepts and forms.

Globalization and modernization frequently endanger traditional cultural practices. The urbanization and migration of indigenous communities to cities may result in the loss of their culture and disappearance of their language. Also, the transmission of knowledge and traditions to younger generations often faces challenges. The lack of interest among young people and the competition with global cultural influences may hamper the continuity of cultural practices.

Therefore, CAI still faces challenges that require urgent attention:

- Limited resources: insufficient funding frequently limits the ability of CAI to expand its projects and meet its goals.
- Awareness and participation: despite the efforts, many people are not yet aware of the importance of CAI and the need to preserve intangible cultural heritages. Also, it is crucial to foster active participation from local governments in preservation efforts.
- Long-term sustainability: to ensure a sustainable future for CAI, it is essential to develop long-term funding strategies and create succession plans to ensure the true continuity of cultural regeneration.

## **Solutions for a better future**

To achieve a more promising future for CAI and for the cultural heritage it represents, here are a few key recommendations:

- Increase financial support: governments, cultural organizations and private donors must increase their financial support to CAI to allow the free sovereignty of its governance.
- Development of alliances: collaborate with other cultural organizations and governmental entities to strengthen CAI's capacity and expand its reach.

As mentioned, the Indigenous Arts Center in Veracruz is a beacon of hope in the effort to preserve and revitalize indigenous cultural heritages. With continued support and long-term vision, we can ensure that this important work continues fulfilling its role. Through investment, education, and support from organizations, we can make sure that this cultural wealth continues to be transmitted in future generations and to the world altogether.

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## **Environmental issues, collective rights and intangible cultural heritage**

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# Tradition, Knowledges and Nature of the Cabécar People: **Artisanal Work and Organic Agriculture as Eco-sustainable Practices**

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Ángela Martínez Sanabria<sup>103</sup>

In the indigenous Cabécar territory of Nairi-Awari, in Costa Rica, Ángela Martínez Sanabria and her family have developed collective initiatives for protecting the environment and safeguarding the intangible cultural heritage. Through family and community initiatives, indigenous peoples promote a balance between culture and environment.

Among the most important projects, the following stand out: a traditional artisanal project that can reduce the use of plastic; an initiative of traditional agriculture and cuisine, capable of combining healthy food and Cabécar culinary traditions; and, finally, an individual project of jewelry made with recycled and natural materials. Regarding findings it is thought that family, collective and community projects are an excellent platform for transmitting the ICH, as well as for putting into practice sustainable ideas that allow financial livelihood and environment protection.

In the provinces of Cartago and Limón, between the cantons of Turrialba, Siquirres and Matina, there is the indigenous territory of Nairi-Awari. This territory covers 5,038 hectares and belongs to the Cabécar people. It was made official on May 21, 1991.

The Cabécar people are one of the eight indigenous peoples in Costa Rica and have several territories in the Caribbean and South Pacific regions of Costa Rica. For centuries they have resisted colonialism. It characterized them. Furthermore, until today, they maintain a considerable part of its original customs and traditions, such as the Cabécar language, traditional recipes, agricultural wisdoms or artisanal techniques, among others. In Nairi-Awari, for example, 473 people live, with 94% of its population maintaining their mother tongue.

Cabécar is my first language, and Nairi-Awari is the community where I work and live with my family. A very important aspect of our culture is family, because in addition to being a support every day, it is a source of learning and a way of transmitting ancestral knowledge. However, such knowledge is transmitted thanks to the Cabécar language and the interest

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<sup>103</sup> Cabécar indigenous woman who, with her family, elders and traditions, has endeavored several projects that try to combine tradition and protection of nature.

of those who, despite being younger, are proud of our traditions, so we learn about them in practice. Thus, speaking our language has allowed us to preserve the names of things, as well as the essence of ideas, stories and secrets that are behind artisanal techniques, culinary recipes, and knowledge from nature.

For these reasons, in this document I will talk about two family projects and one personal project that are closely related to safeguarding our intangible cultural heritage, as well as the protection of the environment. With this, I intend to make evident, from family and community initiatives, the different efforts from indigenous peoples for the promotion of a balance between culture and environment.

This balance is very important in our culture, because, at the same time we fight for retrieving ancestral lands and having more autonomy in our territory. We know that the land is connected to our traditions, animals and plants that are part of our everyday life and worldview. In fact, this is what propels us to retrieve territories and traditions, as well as collaborate with the preservation of species and ecosystems from the Barbilla National Park, which crosses our territory. For this reason, in addition to collaborating with park rangers to avoid illegal fishing, hunting or logging, we also contribute to reducing the environmental impact through the projects mentioned below

The Cabécar Family project is composed of different members from my family, men and women from different ages and generations. The heart of this project is the manufacturing and trading of artisanal works made with traditional techniques, using materials like fruits (such as gourd), fibers, seeds, barks, etc.

This project allows different aspects. For example, it allows us to convey, through practice, the knowledge and skills about traditional artisanal techniques to new generations. This is how I learned, in a family environment, watching other people and trying to practice what I learned and observed. Also, this project allows visibility to the quality, beauty, history and traditions hiding behind artisanal works made in our Cabécar community.

Finally, this project has allowed us to showcase the importance of protecting the lands we live on, because our artisanal works account for the diversity of species of plants and animals present in our territory, as well as their importance for our world view and for the health of the ecosystem. Last, but not least, some of the artisanal objects we make, such as the case of gourds, are used to promote reduction in the use of plastic by those who purchase these products. Instead of using plates or jars in plastic or other materials, they can use objects made from gourd, which is a natural, biodegradable raw material.

The second project is named “Cabécar Delights”. In our family and our community, we have had the concern of eating healthy foods, free from poisons or chemicals that are harmful to our health. For this reason, we have fed our animals for a long time with healthy, hormone-free foods, just like we try to grow most of the foods we eat. In the area we live, we have learned firsthand the damage large plantations cause to the environment, with their pesticides and deforestation.

As a result, we wanted to share our idea with other people, but also share the flavor of our traditional recipes. Thus, we grow different products in the traditional way, so that the impact on land and nature is minimal. Later, some products, like cacao, are dried, fermented, roasted, ground and processed with traditional techniques and instruments, to become different products we then sell.

With this, we convey, through tablespoons of flavor, the importance of our agricultural and culinary traditions, and also of healthy food produced in a sustainable manner.

Finally, another project I work on is also related to nature and the environment to produce artisanal jewelry with environmental responsibility. It is a project mixing tradition and some modern or contemporary elements. I make jewels using organic elements that I find near my house, such as feathers or seeds picked from the ground. Then, I combine them with other pieces, most of them recycled, to create the jewelry I sell.

This project started from a personal idea, and it is very comforting, because it allows giving a new life and a more beautiful appearance to objects that would otherwise be considered garbage and contaminate our territory. Therefore, I have taken on the task of collecting plastic caps or other plastic trash, alongside feathers and seeds. This represents the ongoing effort required to protect the world we live in.

For us, taking care of nature is nothing new, but it is necessary for survival. As we protect our territory from contamination or deforestation, we ensure our planting lands and the permanence of everything that is important to our culture.

On the other hand, the importance of family in our community allows collective initiatives capable of combining the safeguarding of our ancestral traditions with the environmental efforts and the search for highly feasible alternatives for livelihood.

# The Traditional Agricultural System of the Upper Negro River Region<sup>104</sup>

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Ilma Fernandes Neri<sup>105</sup>

I was born in the city of Santa Isabel do Rio Negro, state of Amazonas, and belong to the Piratapuia people. My parents came from the upper Negro river to Santa Isabel, bringing with them their way of life, in which two very important habits for our diet stand out: eating fish and planting.

Thanks to my family, I had access to traditional farming knowledges, and also had the opportunity of studying and getting a licentiate degree in Visual Arts by the Federal University of Amazonas and a master's degree in Sustainable Development by the University of Brasilia. Combining traditional and scientific knowledges, I worked as a researcher of the Traditional Agricultural System of the Upper Negro River Region which was registered as a Brazil cultural heritage in 2010. Currently, I collaborate with the actions for safeguarding this heritage and have a leadership role in the indigenous movement.

In relation to the recognition of the Traditional Agricultural System of the Upper Negro River Region as heritage, I highlight that we consider food as a cultural and natural phenomenon. It is cultural because it is transmitted from generation to generation. This transmission actually occurs from the moment we are conceived until when we grow up: when pregnant with us, our mother knows how she should behave, what to eat and not to eat, what is bad for her and bad for the child; what a woman must do when getting her first period, and so forth.

We can also say that food is natural because our way of eating is based on what exists in nature: fish with tucupi, steamed fish, game... This is our way of eating, it is natural. What is not natural is for us to consume products that come from outside. Unfortunately, now there are many products from outside that we didn't know about – frozen foods, especially, we hadn't known them before. Currently, in the market there are many frozen products, and fish, which is our main dish, becomes scarce. Here, there aren't many people fishing for a commercial purpose: there are only some fishermen who sell some fish and go back to their community, they are not dedicated to working in fairs.

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104 From the interview conducted by Luciana Gonçalves de Carvalho.

105 Indigenous leader of the Piratapuia people, she has a degree in Visual Arts from the Federal University of Amazonas and a master's degree in Sustainable Development from the University of Brasilia.

There is also another dimension of the extremely strong connection between our food and nature, because, in addition to dealing with fishing, our traditional swiddens are based on knowledges that contributes to keeping alive not only the indigenous population, but also the products harvested. All of them are treated with no chemicals, no pesticides, and this keeps the soil, the rocks, the plants alive. In this sense, we have a very different line of work than the one from white people. We never learned to plant with chemicals, so it is very rare for traditional farmers to use any type of poison to kill or eliminate a pest in nature, there is no such thing.

Equally, our traditional knowledges applied to farming contribute to keep alive the relations between people, because they cooperate with each other and for the strength of our agricultural system. People are always planting, both in swiddens and in backyards, and collaborate with each other, strengthening bonds between relatives, neighbors and friends. There is individual and collective pleasure in planting, because people are formed this way. I mean, you can even go to school, but always keep one foot set on the swidden. You may travel, leave the town you were born, but you don't forget how you eat – for example, eating with flour, because manioc flour is part of the main dish from the Negro river region.

This is valid for downstream Negro river, where the city of Barcelos is located; for midstream Negro river, where Santa Isabel do Rio Negro is located; and for upstream Negro river, where the city of Sao Gabriel da Cachoeira stands out. All these places have a large indigenous population, and this population is keeping alive the line for transmitting traditional knowledges associated to crops along the river. Therefore, we can say that our agricultural system, like our food, is cultural and natural at the same time. It also is a trademark for us, something from the Negro river people.

What we call Traditional Agricultural System of the Upper Negro River Region is a heritage shared by 23 indigenous peoples: Arapaso, Bakuna, Baniwa, Bará, Barasano, Baré, Desana, Dow, Hupda, Karapanã, Kotiri, Kubeo, Kuipako, Muriti-Tapuya, Nadob, Pira Tapuya, Siriano, Tariana, Tukano, Tuyuka, Yanomami, Yuhupde, and Werenken. Our knowledges circulates, just like we exchange species of plants, seeds, yuccas, peppers. It is very gratifying to know that, wherever you go, there are people planting a diversity of products. When I was in the Upper Negro river, for example, I was dying to bring some seeds we don't have midstream, and this is how we exchange. In fact, most people on midstream come from upstream, bringing their plants to grow there. Then, someone comes midstream, sees, asks and takes the seeds, and this is how plants multiply along the Negro river.

Exchanging happens all the time. For example: I was born here and I know someone who came from the Upper Negro River region, close to the border; if I go there, I will take my knowledge with me, my way of farming, making flour, all my utensils, everything about the way I work. We share what is ours and learn from others; this is how it works.

In 2017, I traveled to Ecuador for a seminary to present the Traditional Agricultural System of the Upper Negro River Region. I showed a bit of what we develop, and I had the pleasure of learning about two local indigenous communities and a bit about their food. I saw them plant and eat sweet manioc and have something like ice-cream-bean, but did not have cassava, so they didn't eat flour. In the end, it was funny: I brought two kinds of sweet manioc and planted them in my town, but they didn't grow, because these are plants accustomed to cold weather and it is very hot where I live. In other words, we learn by trial and error.

When we get married, we also marry the person's family. You take what you own, the knowledge you have, what comes from your family, and bring to the other family. This new family has children who will pass on knowledge and plants to their own children, and the cycle continues. This is how it spreads.

The traditional agricultural system also has major economic importance for indigenous populations, because it can meet our food needs while concurrently preserving the forest. We only take down plants in the area necessary to plant enough for our family, we don't use mechanized farming, and always diversify products, such as yucca and fruit, to keep the soil healthy. Additionally, we bless the land in a ritual before planting processes, because we acknowledge that everything in life has a meaning – everything we have has history, everything we have has tradition. This is definitely very laborious, but it is equally gratifying, because we plant our own food.

A fundamental aspect is that each person has a role in the agricultural system. First, women with knowledge about farming are the "swidden owners". This is an essentially feminine role. Women are the ones who know the yucca qualities and know the fruits that will be planted. When opening the swidden, the man's role is to simply select the land. When it comes to taking down slashing, hoeing, burning and clearing the land, women also do this job. Then, women cut the yucca. At this moment, they also observe and select yuccas from other people to exchange with theirs.

It usually goes like this: if someone is burning the land, and I know this person has some kind of yucca I'm interested in, I ask them for some yuccas. The yuccas we want to bring to our new swidden are usually the ones that give good yucca, they are yellow or white yucca – there are countless qualities to yucca. However, there is currently interesting data that indicates a change. Some owners of the agricultural system are only planting yucca that gives plenty of manioc, but this didn't exist before: people planted yucca with different qualities. Why? They made a point of having every kind of yucca: paca yucca, tucunaré yucca, ourinho yucca. This is changing.

In this context, the loss of biodiversity is one of the biggest threats to the food sovereignty of indigenous peoples, in my opinion, and avoiding it is one of the main goals for safeguarding the intangible cultural heritage related to the Traditional Agricultural System from Negro River. Twenty years ago, in the 1990s, when we started researching this agricultural

system, there was an immense diversity of yuccas and manioc, because indigenous farmers did not want to plant only those that grew a lot of roots. They wanted to plant more qualities – the more varieties they had, the better they were.

This applied not only to manioc, the primary food crop from the swidden, but also to fruits and other tubers, such as yams. There were various types of yams, including white yam, purple yam, yam with purple peel and white core, among others. Now, if you go to a swidden, the farmer only has one type of yam, and some don't even have yam anymore! Concerning sweet potatoes, few people have it on their swidden. Despite this fact, many varieties of peppers, ingas and bananas are still cultivated, but bananas are also threatened, because the farmers are only planting those with high yield. The biodiversity that existed 20 years ago is actually being lost due to changes in farmers' values and behaviors.

Another thing that changed is the expansion of açai crops. Five years ago, açai was only found in urban area backyards. Nowadays, açai is being planted in farmyards. One barely has finished planting and harvesting, the secondary vegetation comes and açai is planted again, because it is generating income. The problem is that, when you plant açai, there almost is no other place left for planting, because açai takes up the ground. In my point of view, this is also a threat to our food sovereignty. Does it generate income? It does, in its harvesting, but you lose land space and, within a short period, there are no longer suitable conditions to plant plenty of açai.

Climate change has also threatened our traditional agricultural system. The rain and drought regime is deregulated. The weather is no longer the same. In the past, we had a virtually certain weather with each season; now, it is very different. It no longer is a weather we can say: "oh, this year, month and day there will be rain and then the sun will come out and we'll be able to swidden and plant." This no longer exists.

For example, in 2021 and 2022 there were heavy rains on Negro river, and people who work with farming nearly gave up on swidden farming. In 2023, the opposite is happening, it is very dry. At this precise moment, we are facing the worst drought in our history. The rivers and streams have dried out, so it's not possible to swidden and it is difficult to make flour, because we also need water for this. In fact, all people, just like plants, need water.

The visible result of the changes is that the number of people dedicated to working on swidden has decreased considerably over the past ten years. Many inhabitants of Santa Isabel no longer have a swidden, because they have no plot of land to plant on. Without swidden, they cannot meet their family's needs, cannot make their flour, and are at the mercy of traders. To give an idea, five years ago the can (of approximately 15 liters) of manioc flour cost 80 reais; currently, it costs 180 reais. Tapioca flour is sold for 200 reais! Yes, the flour price improved because many people consume it, but they don't produce it, so they form a market for outside traders.

We have come to an impasse, worsened by the fact that young people no longer want to swidden, but we also have responsibility, we need to show our children that there is also money in the swidden. If we plant, produce and sell flour, we can support our family. As my mother said, swidden is like a job, because if you go to a plot to swidden every day from 7 AM to 4 or 5 PM, you are working. Who is the owner? You are. You are your boss; you make your hours. You go back to the furnace house, take a little break, check out what work is left to do – this is the system. This is our system and we need to keep it alive, to forward it to our children.

We have worked with this goal since the first phase of research for heritage and safeguarding of the Traditional Agricultural System from Upstream Negro River. Many people have been dedicated to this. The association we belong to, the Association of Indigenous Communities from Midstream Negro, headquartered in the city of Santa Isabel, has over 1,000 associates, most of them indigenous farmers.

At the time the registration was prepared, we gathered several people who own traditional swidden knowledges, the “swidden owners”, to be part of a committee we named “swidden council”. People from several places, several communities, around Santa Isabel, Barcelos, upstream Negro river, everyone came to give their contributions and demands. The request for registration was made in the city of Santa Isabel, but all Negro river peoples were included.

The process for safeguarding this agricultural system also has a managing committee composed of members from different locations. They are the swidden councilors, people who have worked in the process of protecting this cultural heritage since the beginning of research, like Mrs. Cecília and Mrs. Tereza. These people are always thinking about getting the best for the system and can request help from local, national and international partners to try to improve the situation of indigenous farmers.

Now, the government must pay more attention to this segment of traditional agriculture, because there is a large market looking for traditional products. Here at the Negro river, each people has its own traditional craft. In our farms, we put into practice indigenous knowledge passed from generation to generation. We try to swidden the same way our ancestors planted, and this has a cultural and economic value that needs to be better recognized.

## The Munduruku People's Sacred Heritage<sup>106</sup>

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Ana Poxo Munduruku<sup>107</sup>

Ediene Kirixi Munduruku<sup>108</sup>

Luciane Kaba Munduruku<sup>109</sup>

Maria Leusa Kaba Munduruku<sup>110</sup>

Odineide Panhum<sup>111</sup>

Rosamaria Loures<sup>112</sup>

We come from the Munduruku people, an ancestral people. We are more than 14,000 indigenous living at Mundurukania, which comprises territories in different stages of demarcation by the Brazilian government. The largest of them, recognized as Munduruku Indigenous Land, encompasses areas from the cities of Jacareacanga and Itaituba, in the state of Pará. Our lands extend along the Tapajós river, including Sai Cinza, Sawre Ba'pim, Sawre Muybu, Praia do Índio, Praia do Mangue and Kayabi, the latter bordering the state of Mato Grosso. All these territories were left to us by our forefathers, but when the Brazilian government demarcated the indigenous lands, we lost areas used by our ancestors to fish and hunt, and now we can no longer access them. Currently, we devote a considerable part of our lives to protect the territory from invaders and avoid the destruction of our greatest heritage: our sacred places.

For us, waterfalls, mountains, rivers, rocks, açai fields, moriche palm fields, all places frequented by our ancestors, who left their mark and spirit there to guide us, are sacred. To this day we find at these places old instruments used by them, such as arrows and axes, and receive their messages in dreams or through shamans. We know we need to preserve these places because they are our cultural and natural heritage. For example, in a waterfall, a rock site, many species of fishes and birds are usually found. This is from nature, but the places are also cultural, because at the bottom of waters we found all instruments left by our forefathers, so these places gather a lot of history.

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106 From the interview conducted by Luciana Gonçalves de Carvalho.

107 Coordinator of the Movement Munduruku Ipereğ Ayũ.

108 Political advisor for the Association of Munduruku Wakoborũn Women.

109 Director of the Association of Munduruku Wakoborũn Women.

110 Coordinator of the Association of Munduruku Wakoborũn Women.

111 Director of the Association of Munduruku Wakoborũn Women.

112 Technical advisor to the Association of Munduruku Wakoborũn Women and for the Movement Ipereğ Ayũ.  
Anthropology PhD student at Universidade de Brasília.

Also, in these places, especially upstream Tapajós river, where most of our villages are located, every year the rituals from our people are prepared. On these occasions, we fish there, but not with a gillnet or other instruments from *pariwat* (white people); we only use traditional techniques to grab the different types of fish that come every month. In the waterfall, we also make our sacred rituals.

For example, Kerepuca is a very sacred place. One cannot just go there, a series of rules must be followed: women having their periods cannot enter, and people cannot play there. In other words, places like Kerepuca are not just natural spaces, they are not just waterfalls. The spirits are there, and we have a lot of respect for them. Among the *pariwat*, many people think they are just waterfalls and want to turn them into tourist spots, but, in fact, for us the waterfalls are very sacred and highly connected to our spirituality.

Another example, Morro do Jabuti, is a mountain under which there is a rock site no one can reach. This happens because, spiritually, this is a protected place. The messages to not go there always come to us in dreams. We also know that it is very risky to enter there, so we don't even try to do it. Also, the shamans guide us; they have more understanding of spirituality and the gift of receiving messages from spirits who live there.

The shamans teach us that sacred places like waterfalls are heritage for the Munduruku, they are much more than rock and water. We have so much respect for them that we even avoid saying their names. Taking pictures? Not at all. Despite this fact, some *pariwat* do this. There are photos of Kerepuca in magazines and websites, and this is very upsetting, very revolting for us, because it's something that breaks the rules from the place and could represent a problem for us. Recently, after a couple of pictures were published in a book, we lost a child at Kerepuca. Places like this one are much more than waterfalls, they are places of spirituality and history, and this is why they are our cultural heritage.

The Rasteira waterfall, the Biwa waterfall (which the *pariwat* call Chacorão), Morro do Jabuti, Kerepuca. We don't want the same thing happening at those places, as happened with Dekoka'a and Karobixexe, the latter a waterfall named Sete Quedas by the *pariwat*, which were destroyed to give place to hydroelectric power plants at the Teles Pires river, in the state of Mato Grosso. Karobixexe was one of the most important places for our forefathers; they crossed the forest to get there, made boats out of tree trunks, made instruments to go through the waterfalls and be able to walk on that sacred place. It was truly a very sacred heritage for our people. The place where the dead are living, that is, heaven for our people.

In addition to the destruction of waterfalls, hills, mountains – all significant places to the Munduruku people –, the construction of power plants in this area also caused the loss of funerary urns (which we call Itiğ'a) from our forefathers. During the construction works, these urns were removed from their place and taken to the Natural History Museum in Alta Floresta, Mato Grosso, and we had to fight to have them returned to us. They were taken to the museum because they were considered archaeological heritage, but no one consulted us, disrespecting the Convention 169 from the World Labor Organization, which ensures us

the right to prior, free and informed consultation. Only our shamans know exactly how they must be handled, because they come into contact with the spirits from sacred places. With their guidance, we fought hard to retrieve the urns, because they are not just assets, they are not just heritage. Each urn is a life, a spirit living there.

Now, we fight to preserve all places still remaining for us, because new power plants intend to destroy them. Morro do Jabuti, Biwa, Kerepuca, Daje Kapap, we fought to protect all of them from power plants and other death projects planned for the Tapajós river. All these places also have the mother spirits. This is why we always say they cannot be touched. We must protect them because we know that the spirits are there, and we need to make our rituals to offer them traditional beverages, such as manicuera porridge, to feed the spirits.

Spirituality guides our behavior, and even our body paints have their rules: there are specific paintings for women and men, for example. Also, we cannot paint ourselves in any manner and act freely when we have a certain body paint. For example, we have a lot of respect by genipapo paint. When we have genipapo on our body, we have the obligation of jumping into water really early at dawn, because this will impact our soul, our spirituality, since, after death, comes a soul that will try to pass under the genipapo tree. We usually say to our children: when you are using genipapo, you need to bathe early so this does not happen after death! If we don't follow the rules here, we will have a problem. Everything is related, it has a relation to culture. The same thing happens with our animal foods – we have rules to consume each game, and everything is related to the culture and is part of our cultural heritage.

With the goal of getting demarcation of our territories and protecting our sacred places, we created in February 2018 the Association Wakoborün, an organization comprised only of women, created to strengthen our resistance movement, the Movement Munduruku Ipereğ Ayü. We took different fronts in the fight that were previously led by men, and now work alongside them, with other male and young leaders. We also have alliances with other organizations of the Munduruku people, such as the Munduruku Indigenous Council from Upstream Tapajós (Cimat), gathering the chiefs; Arikico – a teachers' organization; Da'uk; and Association Pariri, from Midstream Tapajós, who aim especially at the demarcation of the munduruku territory. We are performing our roles as mothers, taking care of our people, healing our people, but with freedom to work and take the lead on many actions, despite the difficulties we experience.

In 2021, our headquarters, in the city of Jacareacanga, was attacked and vandalized. Shortly after, the village to which one of our members, Maria Leusa Kaba, belongs, was also attacked. After these attacks, we gathered with other munduruku organizations and founded new headquarters, the "resistance headquarters", in the Nova Trairão village, inside the Munduruku indigenous land. The selection of Nova Trairão to host the organization was strategic, because there is a waterfall right in front of the building, where the Brazilian government intends to build a power plant. We wanted to demarcate a point of resistance, because we know that when the government wants to build something, it comes with full force, and we also need to be prepared.

To prepare our people, we made a joint effort to create the Resistance Formation Center, which has gradually been built and organized, according to the resources we have. This is a space for transmitting knowledges with the goal of formulating our strategies, and for this reason it is also considered a very sacred place for us. It is like a school, and teaching is a sacred thing. Despite being unfinished, the center operates nearly all year round as a space for meetings, learning, and skill development for both youngsters and adults. We have activities for qualification in the use of audiovisual tools, artisan craft and traditional medicine workshops, assemblies, planning meetings, and meetings with women and shamans.

Also, we are part of the movement Ipereğ Ayũ, created in 2011 and named in 2013, during an occupation against the Belo Monte power plant, at the Xingu river. In that occasion, we were outraged at the Brazilian government and its plans to build power plants at the Tapajós river. We understood we needed to join forces against those projects that threaten our people and fight to retrieve or preserve our sacred places. We joined this movement and were really dedicated to it, and Maria Leusa Kaba was the first woman to become its coordinator, between 2015 and 2017; Ana Poxo is the current coordinator.

In this path, we've had victories and achievements. Today, the Munduruku people knows who is fighting, acknowledges the women's fight, and understands why women are fighting. In the past, we felt alone, because we were not highly recognized. We suffered a lot of prejudice and discrimination, even from our own relatives, because of joining this fight. And now we are here, we managed to get to this place and feel victorious. But there are several concerns. Just yesterday, we said: we need to pay attention to our brain, because we're working as if we were a clock, and that worries us. In addition to being women, mothers, grandmothers, we need to take care of our village and our people for the fight, it's a lot!

Unfortunately, there are many difficult situations. On one hand, there are violences and threats experienced collectively by our people, in our own territory, caused by power plants and mining, which bring many impacts to our health, especially due to the growth of malaria and contamination by mercury used to separate gold in gold-digging sites. On one hand, individually, we have faced numerous threats, including death threats against all of us.

To face these situations, we have the munduruku organizations, but unfortunately associations of our own people were co-opted by white people and they are articulating with their projects for digging sites and power plants. We also have very important external partners and made an appeal to the International Court of Human Rights, but we never take for granted our shamans, who have our full trust. They do a fundamental work, connecting us with our ancestors, they are our historians, who know how to tell our stories.

Concerning our cultural heritage, we don't have many partners. We take care of ourselves to preserve what is ours. In addition to the shamans, parents always guide their children to ensure safety and not destroy our heritage, ensuring that nothing is done to harm it. They also encourage them to report any actions that could threaten our land. We believe it would be important to have more actions to protect our common heritage, but it takes trust, security, dialog. Concerning the government, we haven't had good experiences; in fact, we are very afraid. The government is already helping by not destroying, but we hope things get better and we can have more trusted partners to work with.

# Intangible Cultural Heritage and Human Rights: The Case of Mining in the Brazilian Amazon

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Luciana Gonçalves de Carvalho

## Introduction

The advancement of public policies targeted at intangible cultural heritage (ICH) in Brazil has moved different social groups interested in receiving acknowledgment and valuation of their cultural practices and expressions. There are multiple kinds of heritage demands, related to festivities, dances, foods, languages, knowledges and crafts, among others. Some demands express tensions and disputes around the notion of heritage itself, especially concerning the rights the heritage implies.

To exemplify the tensions and disputes that are present in the heritage field, this text addresses two ongoing heritage demands in two major areas of mineral exploration in the Brazilian Amazon, both located in the state of Pará. The first case refers to the cultural heritage from Afro-descendant communities, self-declared as quilombolas, who are affected by the industrial mining of bauxite in the basin of the Trombetas river, in the city of Oriximiná. The second case addresses heritage demands articulated by social players related to gold-digging from the basin of the Tapajós river, in the city of Itaituba and its vicinities.

Both cases present significant challenges to balancing institutional practices for identification and safeguarding of ICH with ensuring human rights in Brazil, especially concerning indigenous peoples and from traditional communities, defined in the National Policy on Sustainable Development of Traditional Peoples and Communities (2007) as:

*[...] culturally differentiated groups that acknowledge themselves as such, having their own forms of social organization, occupying and using territories and natural resources as a condition for their cultural, social, religious, ancestral and economic reproduction, using knowledges, innovations and practices generated and transmitted by tradition.*

The purpose of this text is to demonstrate that the specific intangible cultural heritage policy must be aware and connected to other public policies that aim at safeguarding cultural rights, must be understood in the broader picture of rights ensured in the Universal Declaration of Human Rights from 1948. In this sense, valuing the cultural heritage from the different groups that comprise the Brazilian society must be deeply associated to ensuring other fundamental rights.

This outlook derives from the Brazilian Federal Constitution and is aligned with a series of international treaties that address the protection to cultural rights within the human rights scenario. Some examples are the 2001 and 2003 conventions from the United Nations Educational, Scientific and Cultural Organization (UNESCO), addressing culture as a crucial dimension of identity and social cohesiveness, cultural pluralism as a political expression of cultural diversity, mandatory in a democratic State, and cultural diversity as an essential factor for sustainable development (UNESCO 2001, 2003).

## **History and context**

Intangible cultural heritage policy (ICH) in Brazil came into force with the Decree number 3551, from August 4th, 2000, establishing the registration of cultural assets of immaterial or intangible nature – celebrations, forms of expression, knowledges and cultural places associated to them – and created a nationwide program with the goal of supporting and fostering the identification, recognition, safeguarding and promotion of such assets. Since the initial phase of implementing this policy – from 2000 to 2012, according to Viana, Salama and Paiva-Chaves (2015) –, the emphasis on approaching ICH as an indissociable element of the Brazilian ethnic and cultural diversity, as well as the ways of creating, making and living associated to it, has become clear.

The group of 52 elements registered by the National Historic and Artistic Heritage Institute (IPHAN) until 2023 – 9 celebrations, 12 knowledges, 16 forms of expression and 3 places – vehemently expresses the valuation of the cultural production from minorities that have been historically marginalized in the Brazilian society, like indigenous peoples, quilombola communities, umbanda center people, and other popular groups. There are, among others, indigenous rituals and craft works; dances and festivities of African origin; crafts and methods of preparing foods associated to the celebration of deities; oral and graphic expressions from Amerindian cosmologies; places with cosmic meanings; and major popular fairs. The concern with the broad guarantee of cultural rights from owners is noticed on the respective record dossiers, as established in the 1988 Federal Constitution.

Among these elements, six were registered at the Representative List of the Intangible Cultural Heritage of Humanity, and one at the List of Intangible Cultural Heritage in Need of Urgent Safeguarding. Both lists are adopted by UNESCO, and being registered on them indicates both the acknowledgment of the cultural value of the elements and the importance

of protecting them and ensuring to the respective producers the conditions to continue with their cultural practices.

In general, being registered at the record books from IPHAN or at lists from UNESCO grants visibility, adds symbolic value, and implies commitment from the State(s) about safeguarding the elements in question. In Brazil, the remarkable progresses in this field were allowed by actions and public investments that led to the formation and consolidation, within IPHAN's scope, of a specialized professional group, with the necessary theoretical-methodological and technical-administrative knowledge for identifying, registering and safeguarding intangible cultural heritage.

On the other hand, managing this heritage implied the process of modernizing the ICH policy, which required, among other measures: developing a series of goals, procedures and assessment indicators; standardizing technical-administrative procedures; and outlining actions for safeguarding the cultural sphere, with focus on the efficiency of the public apparatus (Viana, Salama and Paiva-Chaves 2015). In other words, the process of consolidating this policy has reinforced the limits of operation by IPHAN, circumscribing it to safekeeping the elements on a strict sense, through project and actions targeted at eventual issues. Therefore, it reduced the intercession by the institute concerning problems of multiple origins that affect the forms of creating, making and living by groups that produce and own the ICH and threaten not only the heritage, but its cultural rights and the Brazilian ethnic and cultural diversity itself.

Considering that most registered elements come from groups that have been historically marginalized in the Brazilian society, safeguarding them requires equating a series of inequities among complex social processes. In practice, this demands actions that go beyond the administrative sphere of cultural heritage and brush fields with their own legislations and policies, usually not articulated or even conflicting with the heritage policies, especially when it comes to the territorial and environmental rights of such groups. In this sense, the approach on cultural heritage as an element that cannot be dissociated from cultural rights, which marked the first phase of implementation of the policy on ICH in Brazil, has been threatened with reduction.

On one hand, there is a structural problem: although the Brazilian Constitution assumes the indivisibility of cultural, territorial and environmental rights, reflected on a robust infra-constitutional legislation, infra-legal regulations frequently obliterate it. Consequently, the institutional practices are separated and address separately environmental, territorial and cultural dimensions that almost invariably characterize assets registered as intangible cultural heritage in Brazil.

On the other hand, the recent strengthening of discourses and movements that, under the justification of valuing a supposed national unit, tends to deplete collective

identities adopted by minority groups in the Brazilian society, has been noticed. In a political context favorable to reviewing the environmental and territorial legislation and related to cultural diversity in Brazil, the threats to ICH increase, at the same time new demands are made to heritage management institutions by religious, professional and political groups that want to obtain their own recognition and prerogatives.

## **Cultural heritage and mining at the Trombetas river**

The Quilombola territory Alto Trombetas II is located at the banks of the Trombetas river, in the city of Oriximiná, in the northwest part of the state of Pará. In an area with 189,657.8147 hectares, it encompasses eight communities, where nearly 300 families live. Its history takes back to the old quilombo settlements created in the 19th century, over the Trombetas river waterfalls, by Africans and Afro-descendants who rebelled against slavery. Despite being relatively isolated geographically, they kept exchange relations with hucksters and traders established in the main cities in western Pará, establishing with them a sort of “complicity of opposites” (Bezerra Neto 2001, 97), which contributed to their settlement in the region.

After slavery was abolished, a considerable part of the quilombos population migrated midstream and downstream and, throughout the 19th century, the quilombolas expanded their territorial domain. In the 1970s, however, part of their territory was occupied by Mineração Rio do Norte (MRN), a company that started exploring bauxite in the area in 1976, and then by the Biological Preserve of the Trombetas River, created in 1979.

In addition to expelling families that lived in the region, these two events imposed restrictions on access and use of the territory historically occupied by the descendants. Corralled between the environmental impacts from mining and the environmental preservation practiced by the government, the quilombolas saw the availability of natural resources indispensable to their existence gradually diminish, in such a way that their traditional ways of living would be deeply affected with the insertion in the job market as cheap labor force in mining.

With the enactment of the 1988 Federal Constitution, especially with article 68 from the Transitory Constitutional Provisions Act, granting to remaining quilombos the right to definitive ownership over occupied lands, Black settlements at the Trombetas river started working on the entitlement to their lands. Articulated with social movements, progressive sectors of the Catholic Church and non-governmental organizations, they created the Association of Remaining Quilombo Communities from the City of Oriximiná to aid in their fight for land.

In 1989, however, they were surprised with the creation of the National Forest of Saracá-Taquera, encompassing an extensive area at the right bank of the Trombetas river, where MRN already operated. Although less prohibitive than the biological preserve, the national forest also meant restrictions to access and use of natural resources for the local

population, but, paradoxically, the Brazilian government ensured the continuity of mining in the own decree that created the conservation unit (Carvalho 2018).

In 1992, the Federal Public Ministry presented to the Cultural Foundation Palmares (FCP)<sup>113</sup> a process aiming at listing as landmarks the quilombola areas from Oriximiná, based on article 216 from the 1988 Federal Constitution, declaring as listed all documents and sites that have historical remnants of former quilombos. Acknowledging that the quilombola communities from Oriximiná had the preservation of their cultural, social and economic values threatened, FCP endorsed the request for listing.

In 1995, IPHAN opened the process aiming at conducting technical studies related to listing the Oriximiná quilombos. In the same year, the institute issued a report primarily based on three criteria—geographic, chronological, and cultural—to reject the listing.

Concerning the first criterion, it indicated considerable difficulties to outline the site to be listed, due to the vastness of the area, and the incongruence between the areas occupied by the communities and those where the first quilombos were settled in the 19th century. In relation to the second criterion, the report used the premise that settling quilombos is a phenomenon restricted to the slavery period; therefore, it disregarded communities formed after the abolition, even if due to migrations and divisions from former quilombos. Finally, concerning the third criterion, the report was based on a hermetic notion of ethnicity, reifying the quilombo as an isolate social-cultural unit that is impervious to cultural exchanges with Amerindian populations that inhabited the region (Carvalho, Pires, Santos 2022).

To conclude, the report indicates the possibility of “preserving intangible elements, identified in the ways of making and living from the communities, [...] of their unique culture, originated from peoples who settled there in the past century” (DEPROT/IPHAN, 1995, 8). Then, from 2013 to 2015, IPHAN conducted in Pará the National Inventory of Cultural References from Quilombos in Oriximiná, with the purpose of identifying and documenting the cultural assets of reference for the communities in question.

As a result of this inventory, it is worth noting that half the items identified correspond to extractivism and artisan knowledges and to places of economic and cosmological importance. This convergence is expressed in a refined conception of the culture, shared by quilombolas, that understood it as part of nature, as understood from a statement made during the research: “If we cut down the forest, the culture goes with it, because [culture] is extracting wood, straw, vines, fruits...”

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113 Founded in 1988, the Cultural Foundation Palmares has the mission of promoting and preserving the cultural, historical, social and economic values resulting from Black influence in the formation of the Brazilian society, as well as valuing the Brazilian Black history, cultural and artistic manifestations as national heritage.

## **Cultural heritage and gold digging at the Tapajós river**

The discovery of gold deposits at the Tapajós river basin, in the 1940s and 1950s, was a vector for population growth in cities at the southwest of Pará, notably Itaituba. Known as “Nugget Town”,<sup>114</sup> it attracted thousands of migrants, especially from Northeast Brazil, who originated countless gold-digging communities, with an economy that would be constituted informally and marginally. Thus, far from government control, gold-digging sites grew as a hidden social formation, refractory to legal ordinances and adopting unique rules of conduct, which subjected workers to extremely precarious living, health and work conditions.

In the 1960s and 1970s, artisan, small scale gold-digging was predominant in the region, and was characterized by the “individual work by those using rudimentary instruments, handmade devices or simple and portable machines” (Code on Mines 1967). Manual gold digging involved several steps of laborious work, handcrafted instruments and low-cost, common tools available at local shops. Gold diggers were relatively autonomous, because the production depended, basically, on the work force itself (Bandeira and Carvalho 2023a, 2023b).

After the late 1970s, however, the use of motors, suction pumps, dredgers, rafts and backhoe loaders was increasingly disseminated in the Tapajós river, facilitating the extraction processes and increasing the productivity of gold-digging sites (Bandeira and Carvalho 2023a, 2023b). Using machinery made the gold-digging activity more expensive – in addition to the cost itself, the machines consume large amounts of fuel – and required major investments even before gold was extracted. Incompatible with the gold diggers’ income, these investments are made by the gold-digging site owners, that is, individuals or entities that supposedly have the right to explore them.

The mechanization also changed labor division in the gold-digging sites. Jobs specialized in operating different machines and hierarchy among workers were created, with effects on their compensation. More dependent on the infrastructure available for performing their work, in the division of gold collected with the bosses, the gold diggers received lower percentages of the production (Bandeira and Carvalho 2023a, 2023b). Nonetheless, they easily adapted to the new system, because the work became less laborious and more productive, although still maintaining characteristics tantamount to slave labor.

Another consequence of the gold-digging mechanization was the increase of environmental damages caused by the activity: deforestation of large areas in a short time, siltation of streams, destruction of springs, pollution of rivers, and contamination of fishes and humans due to the high volume of mercury (Hg) emitted in nature (Bandeira and Carvalho 2023a, 2023b). Also, the expansion of gold-digging sites at the Tapajós basin threatens indigenous lands and deepens the violation to human rights (Verdum 2022).

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114 “Nugget” is the term that designates the mass of metal in its native state.

Finally, the predominance of informal, even illicit, practices accentuates marginal characteristics of social groups articulated around the digging sites. Consequently, they resent being marginalized and have frequently expressed demands for acknowledgment and moral consideration, in the terms by Honneth (2009) and Cardoso de Oliveira (1996, 2002, 2011). Demands related to the recognition of gold-digging communities and/or their knowledges and crafts as intangible cultural asset in the state of Pará are especially noticeable.

In this sense, projects processed in the state's Legislative Power stand out, such as: the law instituting the Gold Digger Day in Pará, approved in 2021; the Bill n. 390/2021, vetoed in 2023, intending to recognized as Intangible Cultural Heritage in the state the "history, memory, habits, knowledges and crafts, and traditions" of "traditional communities remnant and descendant from gold diggers of the Serra Pelada gold-digging site"; and the Bill n. 223/2023 (in process), which declares the gold digger's activity as an Intangible Cultural Heritage of the State of Pará.

Although there is no discussion on the historical importance of the gold-digging activity for the occupation and economy of the state of Pará, nor on the fact that the knowledges and artisan techniques for extracting gold are cultural references for gold-digging communities, the request for heritage involves complex issues. The fact that the gold-digging activity has undeniably contributed to the violation of human rights both from site workers and from indigenous peoples and traditional riverside communities located in gold digging areas is especially critical.

## Final remarks

The actions for identifying, documenting, promoting, fostering and safeguarding the intangible cultural heritage in Brazil were kicked off by IPHAN in 2000 and, since then, have resulted in more than 50 elements listed in the books of record on celebrations, forms of expression, knowledges and places. Most of these assets have origin in the cultural production from indigenous, Afro-descendant and popular groups, historically marginalized in the Brazilian society.

Safeguarding the listed elements, in general, moves both groups and the government due to the recognition of cultural rights associated to the heritage. In this sense, the heritage policy has the potential to constitute an important path for access to citizenship and sustainable development, as proposed by the 1988 Federal Constitution and a series of UNESCO conventions dedicated to the theme of heritage and cultural rights.

The scope of the heritage policy in Brazil has been limited, however, by infra-legal regulations and institutional practices that, privileging the technical and administrative dimensions, circumscribe the action by IPHAN to the cultural preservation in a strict sense.

Consequently, problems that affect the ways of creating, making and living by groups that produce and own the ICH and threaten not only the continuity of the assets listed, but also the existence of the groups themselves, escape the heritage action.

From two ethnographic cases examined in the contexts of mineral exploration in the Amazon region, this text discusses the intangible heritage policies from the standpoint of guarantee of human rights. On the first case, related to the cultural heritage from quilombola communities affected by mining and by restrictive policies on preservation of biodiversity, the National Inventory of Cultural References from Quilombos in Oriximiná confirms the urgency of a policy that addresses the intangible cultural heritage from an integral standpoint, considering its overlapping with territorial and environmental aspects. Therefore, the need for the heritage action to work in consonance with the primary goal of establishing cultural, environmental and territorial rights of owner groups is highlighted.

On the second case analyzed, related to demands of turning the gold exploration activity at the Tapajós river into heritage, it is known that gold diggers resent the marginal condition they live in and want to obtain recognition and moral consideration, and this has fostered bills aiming at making their knowledges and crafts an intangible cultural heritage. In a merely technical approach restricted to the cultural dimension of the heritage, it would be possible to claim the antiquity of artisan gold extraction techniques, the fact that they are cultural references for the gold-digging communities, and also the importance of this activity for the economic history of the region as justifications for listing as heritage. However, the fact that digging gold, as it is performed in the Amazon, involves violating human rights cannot be ignored.

Considering the two cases presented, it is concluded that the intangible cultural heritage policies must not lose sight of the principles that guide the legal texts related to the topic in favor of technicality, both nationally and internationally. Policies that assume the intangible cultural heritage as a fundamental element for identity, social cohesiveness and cultural diversity, and also as a path for sustainable development, must not only go beyond technical criteria, but also do so considering the connection between heritage and cultural rights and the inclusion of such rights in the broader list of human rights.

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# 7

## **Multinational intangible cultural heritage**

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# La Payada: Emergency and Strategies to Face Covid

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María Cecilia Pisarello<sup>118</sup>

## La payada

The payada is presented as a poetic challenge produced spontaneously or in a planned manner. The improvised poetry is sung by one or more “payadores”. The counterpoint or challenging singing is the most expected moment in the performance, where the craft and the improvisation come into play more intensely; it is the moment that summarizes the tradition that identifies it.

Among the common coding artifices, we must indicate: the poetic improvisation sung as a dialog with alternate verses; the respect for the versing system of Castilian and Portuguese rules coming from the Iberian Peninsula; the observance to isosyllabism and strong attachment to rhyme; the use of formulary structures for opening and closing the verses; the abundance of poetic resources such as metaphor and the moralizing sentence; and a similar profile on their protagonists that is based on strong character.

At times, the audience gives a phrase and the “payador” needs to finish his ten-line stanza with it. This is called “pie forzado” or forced foot. If another phrase is added to make it complex, it is called “dos pies forzados”, or two forced feet.

The payada culminates mid-lyrics, where the “payadores” alternate two verses each, until concluding the ten. Each payada represents a unique and unrepeatable moment, not only for the social context where it develops, but also because the “payadores” improvise on a theme agreed, commonly using satirical humor. They come dressed in gaucho attire

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115 Comisión del Patrimonio Cultural de la Nación de Uruguay, Departamento de Patrimonio Cultural Inmaterial.

116 Comisión del Patrimonio Cultural de la Nación de Uruguay, Departamento de Patrimonio Cultural Inmaterial.

117 Coordinadora de Patrimonio Cultural Inmaterial de la Dirección Nacional de Bienes y Sitios Culturales, Ministerio de Cultura de la Nación, Argentina.

118 Antropóloga-investigadora del Instituto Nacional de Antropología y Pensamiento Latinoamericano, Ministerio de Cultura de la Nación, Argentina.

that takes them back to their rural origin. For this reason, this genre is also considered a true dramatization of the figure of gaucho, revitalized in each presentation (M.Isolabella, 2012 in L.Cannella, O.Picún, 2019 Saberes Compartidos, CPCN, MEC).

## Multinational Project

Within the framework of the Multinational Project conducted by CRESPIAL concerning intangible cultural heritage and emergencies, the Focal Centers from Argentina and Uruguay agreed to conduct a bi-national project. It aims to address an element already acknowledged as intangible cultural heritage from the Mercosur in 2015, making the relevant consultations nationwide to work with La Payada.

Concerning this, Argentina and Uruguay decided to conduct the analysis and reflection around the impact of the sanitary emergency due to Covid-19 on an intangible cultural manifestation. It has as its main feature the poetic improvisation in ten-line stanza accompanied, in general, by a guitar, common to both countries and similar to different expressions present both in Latin America and the world.

Likewise, certain risks or threats had been identified in the payada before the emergency situation. This is demonstrated by the document resulting from the 3rd Meeting of Payadores from Mercosur in Tala, Uruguay. This document establishes the need “for governments members of Mercosur to define a regional cultural and educational policy concerning the situation of the payada and paya. Additionally, the project includes the creation of a sound and graphic archive per country that encompasses written, graphic, audiovisual materials that allow scholars and the general public from the region and the world to have access to knowledge on improviser art in these latitudes. Furthermore, it seeks to increase visibility in communication outlets and budget for conducting workshops to teach the improviser art (safeguarding lines document).

The pandemic deepened a few existing aspects and presented, on its turn, new unexpected risk situations. It includes the impossibility of in-person events, the conduction of “payadores” meetings nationally and internationally, and how the teaching workshops were being conducted, added to the drop in income from “payadores” as a consequence of this forced paralysis of activities. On the other hand, the sanitary emergency allowed the development of new strategies for artistic performance and communication, both inside groups of “payadores” and “payadoras” and to the outside, and we reflected about it in this project.

It was decided to start at La Payada as a cultural manifestation. Furthermore, a process of analysis, reflection and awareness around the impact from the pandemic of Covid-19 is being undertaken with its bearers in both countries.

In Argentina, virtual meetings were held with bearers to inform, consult, and agree on the work methodology, with the goal of addressing the diagnosis on the impact and the response from La Payada and its bearers to the Covid-19 emergency in the country. It will be necessary to analyze the pandemic management policies in each province and its impact in the cultural sector, particular features in the rural and urban scopes, the work situation from bearers, etc.

In Uruguay, communication channels with “payadores” were kept open during the pandemic and the process of consultation about the work methodology is being implemented for this project (communication dated of June 6 in the WhatsApp group “La Payada Patrimonio”, virtual meeting on June 9 and in-person communications). The interaction among local governments, communication outlets, cultural organizations and “payadores” from different communities will be analyzed. A special emphasis will be given to the survey on economic impacts, loss of spaces of payada, compilation of the payada as a testimony of the historical moment of the pandemics, and the role of private archives on payada.

Since it is a manifestation that requires an audience, we question: how was the virtual payada implemented? Through which devices? What difficulties did they face to adapt to the technology? What was the role of the “payadores” age in this process? What was the role of young “payadores” in the alternative strategies for communication? How did the audience change? Did the presence of digital networks allow audiences from other places?

In the beginning of the “return to normal”, how was it managed and how was it expanded? How was the return to in-person events? Were the virtual channels for communication maintained with the return to in-person events? Concerning the workshop with “payadores”, which during the Covid-19 pandemic had considerable development in different regions of Argentina and Uruguay, what happened to those spaces? How was the activity resumed?

Likewise, what was established in the Multinational Project profile from CRESPIAL around the theme selected was used as a benchmark, to work around the following axes:

- Processes of loss and retrieval of the social fabric around the payada.
- Overall financial situation of the payada foundation before, during and after the Covid-19.
- The payada as a registration of memory on the pandemic.

Given the territorial accessibility of Uruguay and its geographic dimensions, we worked with “payadores” and “payadoras” from around the country.

In both countries, the work was consulted and coordinated with a representative group of “payadores” and “payadoras” from different regions (to include particular and general characteristics). It may include gender diversity. In addition, it must cover an age group that includes from the youngest to those who are renowned and have a long career. Thus, proposals to face possible new emergency scenarios may be developed. The aim is to strengthen the articulation and development of recommendations that can be used for prevention and activation of responses to face similar situations in a combined and more efficient manner in terms of safeguarding the practice and the well-being of its bearers.

# Qhapaq Ñan, Monument of Regional Integration and Cradle of Living Cultures

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Silvia Alfaro<sup>119</sup>

Qhapaq Ñan is a road network built during several centuries by the Incas, who partially took advantage of existing pre-Inca infrastructures. In fact, the Incas inherited this territorial system built by the first Andean civilizations that preceded them. Seven centuries later, they articulated it within the milestone of an integrating and expansionist political project of continental reach named Tawantinsuyu.

This road network was built with the objective of facilitating communications, transportations, and trade, but also with defensive purposes. The route spread over six South American countries: Argentina, Chile, Peru, Bolivia, Ecuador, and Colombia. Led by Peru, in 2001, these six countries joined forces and worked together to inscribe Qhapaq Ñan – Andean Road System on the UNESCO World Heritage List. It was finally inscribed under criteria (ii)(iii)(iv)(vi), by the World Heritage Committee on June 21, 2014, in Doha, Qatar.

The use of criterion (vi) in this inscription, resulted from the mobilization and negotiation of representatives from the six countries. They insisted on conducting a detailed evaluation on intangible aspects associated with Qhapaq Ñan. Finally, the evaluation concluded recognizing that this monument is associated with living manifestations, beliefs, and unique rituals that, unfortunately, were in danger of disappearing. The evaluators also recognized that intangible values are an inseparable part of the property. At the same time, they are still a key factor for preservation of the roads.

The initiative of preparing the nomination of Qhapaq Ñan to the World Heritage List resulted from a project that became an articulating element. It had a positive impact, in multilateral and bilateral aspects, as well as in the relations between the six countries involved. Since the first coordination meetings, the process of preparing the nomination dossier and its management system was developed in a consensual and participative work environment.

In the framework of this process, important diplomatic, technical, and institutional efforts were made. It is a testimony to a form of true cultural integration, through research, registration, and preservation of the exceptional universal values from the pre-Hispanic continental communication system in the Andes. This inscription highlights the important

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119 Ambassador of Peru in Chile. Former Permanent Delegate of Peru to UNESCO (2021-2023).

social and political function of the road network; the architecture and engineering masterpieces and connected infrastructures dedicated to trading activities, lodging and storage of goods; and sites with religious meaning.

These knowledge and cultural practices were inherited and transmitted from generation to generation and are currently part of the intangible cultural heritage from communities that live along Qhapaq Ñan. Anthropologist Richard Mujica testifies that

*these roads continue fulfilling the roles that originated them: integration, communication, exchange and flow of goods and knowledge. For inhabitants of these communities, the road, as well as the natural landscape surrounding them, comes to life in each of their activities. The road is another being in the vital environment and an important part of the way these populations see the world (Mujica, 2021).*

Qhapaq Ñan continues playing an important role in the organization of space and society. In a vast geographic area along the Andes, where the roads remain an important medium to share cultural values of exceptional intangible importance.

This path is the testimony to a shared common story of ancestral Andean cultural traditions that, despite technological transformations, stand in time. The cultural traditions from the communities endure to this day and include languages, religion, agriculture, music, dance, food, arts, habits, knowledge, world views, rituals, festivities, etc.

Qhapaq Ñan currently remains a vector of belonging and identity for local populations and allows them to transmit from generation to generation their cultural practices and expressions and traditional knowledge. The members of these communities base their understanding of existence in the unique Andean world view. This world view applies to all aspects of daily life.

This monument is directly associated with intangible values shared by communities from the Andean world. Such as, for example, traditional trade, ritual practices and the use of millennial technologies, which are living traditions and fundamental beliefs for the cultural identity of the communities involved.

The Andean Road network keeps this essential role of integration, communication, exchange and flow of goods and knowledge. Despite the current modern commercial and social changes, it maintains its relevance and importance throughout the centuries. As well as its role as a cultural benchmark that contributes to strengthening the identity of the Andean world. The value of the identity and knowledge from peoples is a fundamental component for integration of the Andean communities.

Next year, in 2024, it will be ten years since the World Heritage Committee from UNESCO inscribed Qhapaq Ñan to the World Heritage List. From Peru, we are committed to continue working to highlight its tangible and intangible components. Through the

organization of different activities, conferences, exhibits and, probably the celebration of the International Day of Languages from Qhapaq Ñan.

By organizing these events, we intend to highlight the relation between tangible and intangible heritages along Qhapaq Ñan. We also want to value native languages, dances, music, rituals, world views, etc., that the communities related to Qhapaq Ñan currently practice.

We expect to contribute to the awareness of the preservation, protection and management of both tangible and intangible components of Qhapaq Ñan. This will be achieved by approaching the general population, experts, the academic world and the diplomatic world, at local, national and international levels.

I invite UNESCO, the governments of the six countries involved, the communities and citizens in general to work together to ensure the safeguarding of the intangible cultural heritage linked to Qhapaq Ñan. This work needs to be made following the guidelines and procedures described in the 2003 Convention. I mean through identification, documentation, research, promotion, and valuing of this heritage, as well as to execute concrete actions to ensure their transmission and revitalization, especially through formal and non-formal education.

The Council of Ministers of Foreign Affairs from the Andean Community held a meeting on June 15, 2023. They were called by Peru, in its capacity of *pro tempore* Presidency of the Andean Community, to celebrate the 54th anniversary of its creation. In this meeting, the representatives of the Andean countries agreed on the reactivation of the Andean Environmental Authorities Committee and the Andean Council of Environment and Sustainable Development ministers.

Undoubtedly, these actions will contribute to preserving Qhapaq Ñan, which in 2017 was declared as an Andean Community cultural heritage by the Andean Parliament. These activities will also have a positive effect on the sustainable development of the communities related to this property.

From UNESCO, I want to highlight that we are facing challenges to boost the Latin American integration in economic, commercial, environmental, energy integration and, of course, cultural integration topics.

I conclude with a paragraph from the Declaration of the 4th Andean Council of Ministers of Culture and Cultures, signed on 2021 in Loja, Ecuador, during the sixth edition of the International Living Arts Festival:

*...our commitment is to build a new culture of, one that redeems the ancestral wisdom from indigenous nations and people from Andean countries, [that] allows harmony between human beings and mother earth, strengthening our territories and cultures, and highlighting the importance of women, young people and different minorities in all processes.*



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In support of the 20th anniversary  
of the 2003 Convention



On the celebration of the 20th anniversary of the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, the countries of Latin America and the Caribbean launched an extensive reflection on the achievements and challenges of the Convention along this period, focusing on regional subjects, practices and perceptions.

This book, putting together contributions from experts of more than 15 countries, provides a sample of the sophistication and cohesion of Latin American and Caribbean heritage studies. The texts came from seminars organised by GRULAC, both in Paris, at the UNESCO headquarters, and in Lima, at the Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America (CRESPIAL), a UNESCO Category 2 Centre.

The reflections produced show a remarkable progress in raising awareness of the importance of safeguarding intangible cultural heritage in the region. At the same time, the compiled texts show that a lot remains to be done. Living heritage around the world is still under considerable threat, demanding renewed preservation efforts, with special attention to environmental and economic factors.

