

Policies to Safeguard Intangible Cultural Heritage in Brazil

Marina Lacerda⁶⁹

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

69 Registration and Revalidation Coordinator for the Department of Intangible Heritage of the Brazilian Historic and Artistic Heritage Institute (IPHAN), Brazil. E-mail: marina.lacerda@iphan.gov.br.

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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