

# **DRAFT ICOMOS CHARTER ON INTANGIBLE CULTURAL HERITAGE**

## **PREPARED BY THE ICOMOS INTERNATIONAL COMMITTEE ON INTANGIBLE CULTURAL HERITAGE (ICICH)**

This draft document presents the current standards for ethical practice in the identification, conservation, management and celebration of intangible cultural heritage at place. It was developed by the ICOMOS International Committee on Intangible Cultural Heritage (ICICH) in 2019 by a team of members in Australia, Brazil, Chile, India, Mauritius, Mexico, and South Africa. The Charter builds on the draft ICICH Teemaneng Declaration first outlined in Kimberley, South Africa, in 2007, and developed further by members and other stakeholders until 2011. The Teemaneng Declaration itself was based on the Kimberley Declaration drafted at an international meeting held in South Africa in October 2003 and accepted that month by the 14<sup>th</sup> ICOMOS General Assembly at Victoria Falls, Zimbabwe.

### **PREAMBLE**

Intangible cultural heritage (ICH) is an important aspect of cultural heritage in all societies around the world. Intangible and tangible heritage, are inextricably linked, as traditional social practices and knowledge provide understanding and give meaning, value and context to both objects and to physical spaces, whether built or natural. Both are central to a community's connection with place.

Acknowledgement of such intangible heritage and link with place is identified in recent ICOMOS charters, principles, and declarations, in particular the 2008 Québec Declaration of the Preservation of the Spirit of Place. Other international recognition bringing place together with intangible cultural heritage includes the associative values of living traditions with place in criterion (vi) of the 1972 UNESCO's Convention concerning the Protection of the World Cultural and Natural Heritage. More recently, the UNESCO 2003 Convention for the Safeguarding of Intangible Cultural Heritage is dedicated separately to intangible cultural heritage, also identifies a community's associated 'cultural spaces', linking tangible with intangible.

A community's intangible heritage within any associated cultural space includes practices, representations, expressions, knowledge, skills, that continues with changes over time. The values of such living cultural expressions are related to identity, memory and remembrance, belief and symbolism, nature and the environment. Such intangible heritage is enacted and transmitted within communities, in response to their environment, their interaction with nature and their history. Community groups may move elsewhere, maintaining a continuity of their intangible heritage expressions in another place. Often these are shared spaces between different cultural groups within urban landscapes. Understanding of the mix of communities' tangible and intangible heritage is essential to current heritage practice.

In recognising and respecting this indivisible nature of heritage—intangible and tangible, the objective of this Charter is to define ICOMOS standards for ethical practice related to a community's intangible cultural heritage, its identification, safeguarding, management, and celebration. In doing so, the principles and practice outlined in the Charter will assist in ensuring that intangible cultural heritage and the relevant community/ies are included when undertaking heritage projects. This approach will confirm that no tangible heritage conservation issues will impact on the integrity of its associated intangible cultural heritage.

### **1 PRINCIPLES**

As envisaged in the Preamble, the following principles shall be applied to ensure a greater recognition of the associated community's/ies' central role in decisions about their heritage. These principles ensure the indivisibility of tangible and intangible heritage in decisions about that heritage.

## 1.1 Community Custodianship

1.1a Communities are the custodians of their intangible cultural heritage and its use and knowledge; in some communities, key groups or individuals are identified as the particular custodian/s of a place, object or practice. Such communities may be indigenous, first peoples, those associated with a cultural space, and recent arrivals bringing their intangible heritage to a new place.

1.1b Such communities shall be in control of access to and sharing of their intangible cultural heritage, noting the rights of particular groups or individuals and their free, prior, and informed community consent regarding such decisions:

- Where more than one community has intangible values associated with a cultural space the co-existence of these values should be recognised, respected and encouraged. This may be the case where a community has moved or migrated and shares space with other cultural groups, including in urban areas.
- All aspects of heritage significance shall be considered without unwarranted emphasis on any one value at the expense of others.
- Intangible cultural heritage is dynamic, and values and practices change over time.
- In the case of sites with intangible value, the best judge of the authenticity is the custodian - '... the respect due to all cultures requires that heritage properties must be considered and judged within the cultural contexts to which they belong.' (Nara Declaration, Sec 11)
- Traditional protection and management systems shall form the basis of any conservation system developed for sites with intangible value.
- Statutory heritage measures shall provide mechanisms for traditional community protection and management of the cultural space.
- The condition of a site directly influences the integrity of its associated intangible cultural heritage.

## 1.2 Heritage Professional Role

1.2a Heritage professionals are not the primary experts on intangible cultural, their principal roles being where appropriate to partner with the relevant community / communities with intangible cultural heritage at place, and to:

- Respect the community cultural protocols and contexts applicable to those areas where heritage work is taking place.
- Facilitate heritage conservation frameworks that contribute to the continuity of intangible cultural heritage at cultural spaces.
- Assist custodians to assert their rights over their intangible cultural heritage, including traditional knowledge, practice and free access to places and natural resources needed for its continuity.

1.2b Partnerships should be developed between government, heritage organisations, heritage professionals, and the communities concerned that benefit those communities and sustain the viability of their intangible cultural heritage. Such partnerships should ensure that:

- Intangible cultural heritage safeguarding initiatives undertaken by and for the communities concerned should be supported and promoted.
- Intangible cultural heritage is included in general heritage conservation practices and standards.

1.3 In applying the above principles the following heritage standards shall be followed, heritage practitioners agreeing to:

- The ICOMOS Ethical Principles 2014.
- The recognition of human rights in the process according to the UN Universal Declaration of Human Rights 1948. These principles are also stressed in the ICOMOS Statement of Ethical Principles 2014 Article 3, and in the 2018 Buenos Aires Declaration marking the 70th anniversary of the Universal Declaration of Human Rights.
- All appropriate expertise and knowledge shall be included that is relevant to a given circumstance for intangible heritage. Such expertise shall include multidisciplinary teams of

anthropologists, sociologists, ethnologists with relevant community members for the identification, assessment, conservation and management of cultural spaces. Also, those generally involved in the conservation of 'tangible' heritage', such as archaeologists, architects and others working in heritage place conservation shall be included.

## **2 PRACTICE**

The following statements provide essential actions for the safeguarding of intangible heritage at place—its identification, protection, management, and celebration of its values at a cultural space that shall be part of all heritage practice:

### 2.1 Identification

- The community/ies who have cultural associations with the cultural space shall be identified, noting that such cultural groups may be local or geographically widely dispersed.
- The community's primary role in identifying the intangible cultural heritage of the site shall be facilitated.
- The intellectual property and territorial rights of the community shall be recognised and respected.
- A multi-disciplinary team should be formed with expertise and experience able to interact with and facilitate the community in all areas of intangible cultural heritage, as per Principle 2.2.
- The documentation of all possible and relevant information including objects and oral traditions that provide context to the intangible heritage and cultural space shall be encouraged.
- Information generated shall be available in a culturally appropriate way, ensuring that the community has control over access and that tangible records are conserved and confidentiality respected.

### 2.2 Protection and Management

- The relevant community/ies shall be fully involved in the protection and management of the cultural space.
- Relevant authorities shall be encouraged to ensure that traditional protections and management systems are supplemented with statutory protection and management rather than replacing them.
- Heritage shall be protected and managed as a whole – tangible and intangible, including site, place, object, practice, and meaning, and the connections between them.
- The maintenance of the intangible cultural heritage and its transmission from generation to generation shall be encouraged.
- Heritage authorities, as part of their role and responsibility, shall be encouraged to observe and report on the state and well-being of intangible cultural heritage, in collaboration with the relevant community.
- In certain circumstances, positive and appropriate assistance to strengthen intangible cultural heritage that is under threat should be initiated.
- Places with intangible values shall not be subjected to uses and pressures that damage or compromise such values.

### 2.3 Sharing

- Awareness of the sensitivities and ethical issues regarding intangible cultural heritage within and across the community / communities shall be raised, and respect maintained of confidential cultural heritage.
- The significance of the cultural space shall be communicated in ways that do not compromise the intangible cultural heritage. In doing so, the coexistence of multiple narratives of place and its varied intangible cultural heritage shall be acknowledged.
- A continuity of awareness of the intangible values of heritage should be encouraged by increasing access, respect, and appreciation by the younger generation.

### **3 CHANGE**

Change is a normal process that is an integral part of intangible cultural heritage. In this regard:

- Community control over the natural pace of change should be fostered.
- The community should be assisted to mitigate external or internal threats of rapid and/or inappropriate change that is driven by globalisation, development pressure, tourism, and environmental change.
- The community/ies should be assisted to sustain the relevance of intangible cultural heritage to that community's spiritual and social cohesion and economic viability.
- The community/ies should be assisted to identify and document change in intangible cultural heritage, so that the causes and speed of evolutionary processes can be analysed, and responses formulated.
- The community/ies shall be assisted in emergencies and post-trauma recovery processes related to their intangible cultural heritage at place, such as caused by natural or conflict disasters, according to the current ICOMOS guidance.

## **GLOSSARY**

### **Authenticity:**

The World Heritage Operational Guidelines note that properties nominated for cultural values must meet the conditions of authenticity:

‘Judgments about value attributed to cultural heritage, as well as the credibility of related information sources, may differ from culture to culture, and even within the same culture. The respect due to all cultures requires that cultural heritage must be considered and judged primarily within the cultural contexts to which it belongs.

Depending on the type of cultural heritage, and its cultural context, properties may be understood to meet the conditions of authenticity if their cultural value (as recognised in the nomination criteria proposed) are truthfully and credibly expressed through a variety of attributes including:

- form and design;
- materials and substance;
- use and function;
- traditions, techniques and management systems;
- location and setting;
- language, and other forms of intangible heritage;
- spirit and feeling; and
- other internal and external factors.

Attributes such as spirit and feeling do not lend themselves easily to practical applications of the conditions of authenticity, but nevertheless are important indicators of character and sense of place, for example, in communities maintaining tradition and cultural continuity.’

(World Heritage Operational Guidelines ss.81-83)

### **Community:**

A group of people, generally but not always, a cultural group living locally in relation to a place which has special associations and meanings for them, and where they may practise certain activities related to such intangible cultural heritage. A community holding intangible cultural heritage values for a place may also be widespread geographically.

### **Conservation:**

‘means the processes of looking after a place so as to retain its cultural significance.’

(Australia ICOMOS Burra Charter 2013:1.4)

‘All efforts designed to understand cultural heritage, know its history and meaning, ensure its material safeguard and, as required, its presentation, restoration and enhancement.’ (Nara Document on Authenticity 1994)

### **Cultural Space:**

A term used in the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and is understood to have multi-dimensional aspects to it. In the context of this Charter, ICICH is using it in the context of intangible heritage to denote a place with sacred and other intangible values attached to it.

### **Custodians:**

Those members of a community with a special relationship and responsibility towards intangible cultural heritage, its practice, protection and continuity, and often for a place where such intangible heritage values reside.

### **Intangible cultural heritage:**

‘The practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that

communities, groups and, in some cases, individuals recognise as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments. Also, the requirements of mutual respect among communities, groups and individuals, and of sustainable development shall be considered, as manifested inter alia in the following domains:

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (b) performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe;
- (e) traditional craftsmanship.'

(Intangible Cultural Heritage Convention 2003, Article 2.1)

**Integrity:**

'Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes.' (World Heritage Operational Guidelines s.88).

**Objects:**

In this context, movable tangible components or elements having intangible cultural heritage and / or related with the cultural space or place with intangible cultural heritage.

**Place:**

'Place means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.'

(Australia ICOMOS Burra Charter 2013:1.1)

**Teemaneng:**

Diamond (Setswana, the language of the Tswana people of Botswana and South Africa), referring to the city of Kimberley, South Africa.

**Traditional Knowledge / Practice:**

Knowledge and practice held within a community in regard to its traditional landscape and its full range of economic, social and cultural activities, as passed on by previous generations, practised by current generations and passed to future generations.

**Values:**

In this context, the heritage significance of a place, object, cultural activity or belief, is often according to set heritage significance criteria.