

The relationship between the 2003 and the 2005 UNESCO Conventions

Instrumentos internacionales de promoción
et de gestión de la diversidad cultural
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UNESCO Culture/Heritage Conventions

- **Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)**
- **Convention for the Safeguarding of the Intangible Cultural Heritage (2003)**
- Convention on the Protection of the Underwater Cultural Heritage (2001)
- Convention concerning the Protection of the World Cultural and Natural Heritage (1972)
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)
- Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

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Background

2003

- 1973: Bolivia raised the issue of the intangible heritage
- 1989: Recommendation on the Safeguarding of Traditional Culture and Folklore
- 1994 : Living Human Treasures programme launched, as proposed by Rep. of Korea.
- 1998/1999: Programme of the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity (90 Masterpieces proclaimed (2001/3/5)).
- 2000-2003: experts meetings followed by three intergovernmental experts meeting to draft a new convention
- 2003: The Convention for the safeguarding of the intangible cultural heritage was adopted by the GC .

2005

- 1996: Our Creative Diversity by Unesco's World Commission on Culture and Development
- 1998 : Stockholm Conference of ministers of culture to discuss the place of cultural goods and services in international trade
- 2000: Declaration on Cultural Diversity adopted by the Council of Europe
- 2001: Universal Declaration on Cultural Diversity adopted by UNESCO
- 2003: UNESCO GC decides to conduct a feasibility study and to prepare a preliminary draft
- 2005: The Convention on the protection and promotion of the diversity of cultural expressions is adopted by the GC.

Fast Preparation and Ratification

- Definitions, scope and objectives of the two conventions largely agreed upon beforehand:

- * for 2003 in lower level meetings

- * for 2005 through the 2001 Declaration on Cultural Diversity

- Supportive States paid up for the organisation of meetings and mobilized support.:

- * Japan for 2003

- * Canada and France for 2005

- Open definitions only for few notions used in the Conventions

-The Secretariat supportive during preparation

- Active role of the Unesco's Japanese director-general, which led to the adoption of both conventions.

2003:
175

2005:
144

Purposes :
Safeguarding vs protection and
promotion

2003

- (a) to safeguard the intangible cultural heritage;
- (b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;
- (c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;
- (d) to provide for international cooperation and assistance.

2005

- (a) to protect and promote the diversity of cultural expressions;
- (b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;
- (c) to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges (...);
- (d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
- (e) to promote respect for the diversity of cultural expressions and raise awareness of its value (...);
- (f) to reaffirm the importance of the link between culture and development for all countries, (...);
- (g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- (h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;
- (i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries (...).

ICH vs diversity of cultural expressions

2003

Safeguarding of the
intangible cultural
heritage

2005

Protection and
promotion of the
diversity of cultural
expressions

Definitions: 3 vs 8

2003

- ICH: practices, representations, expressions , knowledge and skills
- Safeguarding: measures aimed at ensuring the viability of the intangible cultural heritage
- States Parties: States bound by the Convention

2005

- 1. Cultural diversity:** the manifold ways in which the cultures of groups and societies find expression
- 2. Cultural content:** the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities
- 3. Cultural expressions:** expressions that result from the creativity of individuals, groups and societies
- 4. Cultural activities, goods and services:** specific attribute, use or purpose that embody or convey cultural expressions
- 5. Cultural industries:** industries producing and distributing cultural goods or services
- 6. Cultural policies and measures:** policies and measures relating to culture
- 7. Protection:** the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions
- 8. Interculturality:** equitable interaction of diverse cultures.

Beneficiaries

2003

Communities
Groups
Individuals
Indigenous communities
Practicioners

2005

individuals
Artists
Groups
Societies
Cultural communities
Social groups
Persons belonging to minorities
Indigenous peoples
Civil society
NGOs
Media
Cultural industries

Recognition and benefits

2003

- Representative List of the intangible cultural heritage of Humanity
- List of the intangible cultural heritage in Need of urgent safeguarding
- Register of good practices
- International assistance

2005

- No lists
- International assistance

Obligations

2003

- drawing up inventories
- contributing to Fund
- reporting on implementation

2005

- Reporting on implementation

Organs and meetings

- General Assembly: once every two years in June
- Intergovernmental Committee (24 members): once a year in November/December
- Unesco Secretariat
- Conference of Parties: once every two years during General Conference
- Intergovernmental Committee (24 members): once a year in December
- Unesco Secretariat

Limits: Human Rights

2003

- Preamble referring to Human Rights instruments
- Article 2: consideration given solely to ICH compatible with Human Rights instruments

2005

- Preamble: importance of cultural diversity for Human Rights
- Article 2.1: Principle of respect for Human Rights
- Article 5.1: in elaborating policies, Parties are committed to Human Rights instruments

Settlement of disputes

2003

- No procedure

2005

- Article 25 deals with cases in which the Parties have a divergent interpretation of the Convention
- An Annex to the Convention : procedure of conciliation

Projects and achievements

2003

- Representative List: 403
- Urgent safeguarding List: 52
- Register of good safeguarding practices: 19
- International Assistance: 142 projects benefiting to 107 countries with a total of US \$ 23,692,351

2005

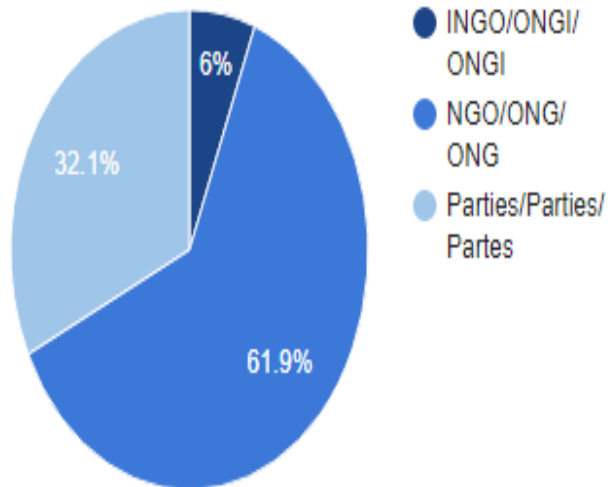
- 8 calls launched
- 90 funded projects
- In 51 developing countries
- 6 M US \$
- Culture for development indicators (CDIS) developed

IFCD Funded projects

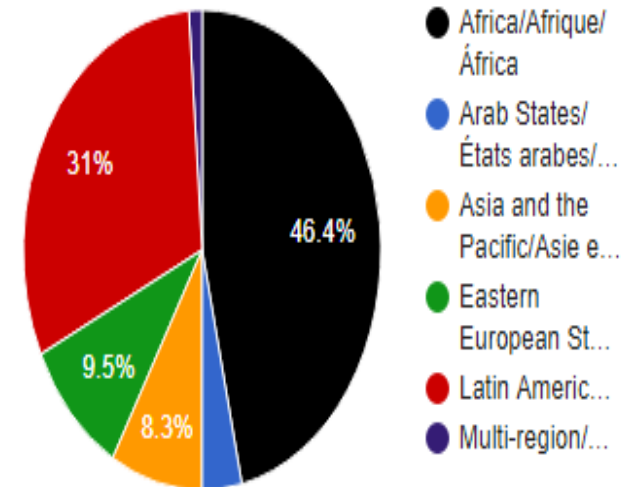
- Developing countries (up to 2017): 51 out of 108 benefited from the IFCD
- In Latin America and the Caraibes: 18 projects

Funded projects: an overview

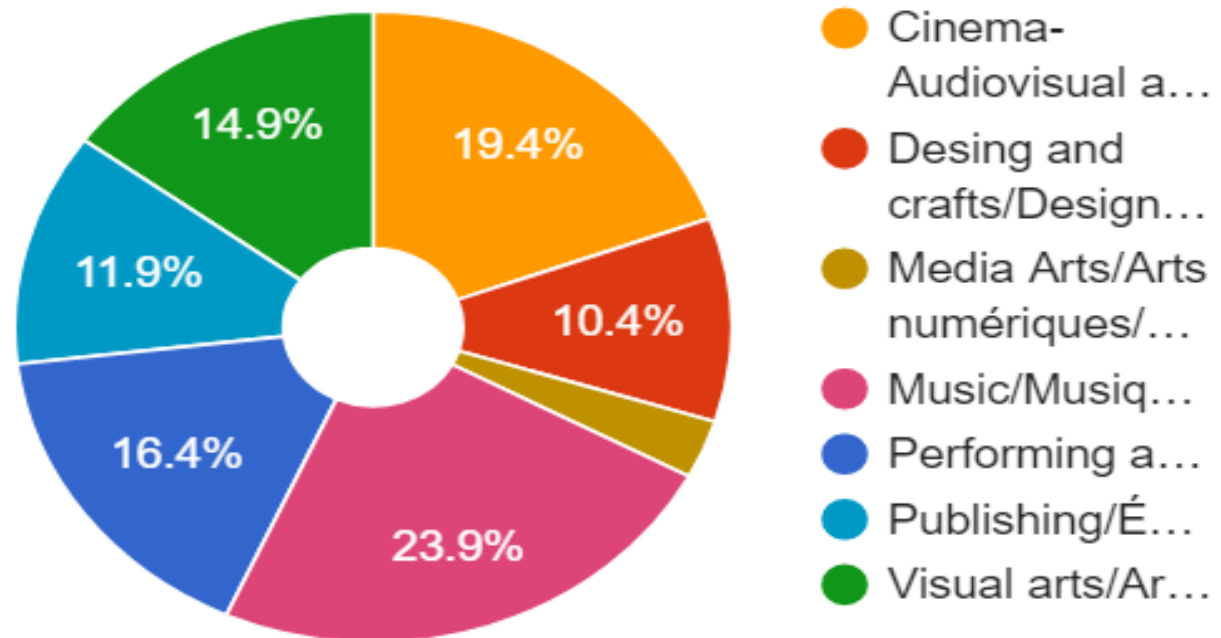
Funded projects per beneficiary



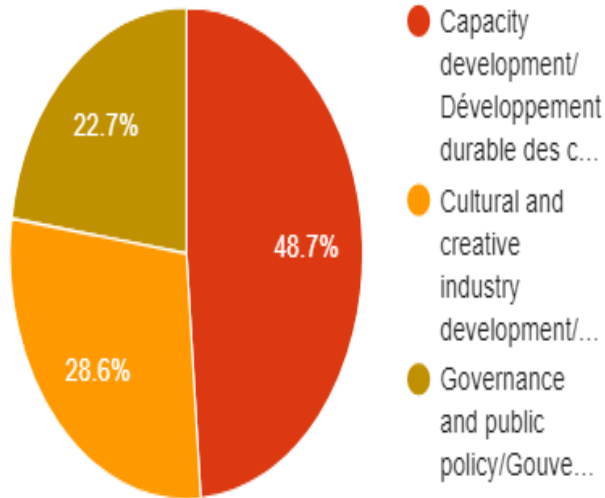
Funded projects per region



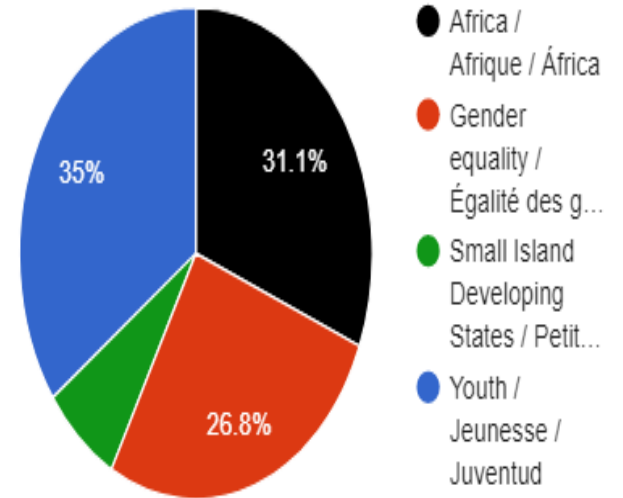
Funded projects per cultural domain



Funded projects per impact



Project funding per UNESCO priority



ICHF Funded projects

- 142 projects
- In 107 countries
- US \$ 23,692,351

ICH preservation domain

- Safeguarding and revitalization: 81 projects
- Strengthening and capacity-building: 34 projects
- Inventory and documentation: 29 projects
- Promotion and development: 09 projects
- In Latin America and the Caraibes: 33 projects out of 142

NB. At least 12 projects adress two domains

2005: a continuity of 2003?

- Where is the border?
 - Among funded projects by the 2005 IFDC: handicrafts and performing arts, two domains of the 2003 Convention
 - Preamble of the 2005 Convention: explicit reference to « traditional knowledge » as a «source of intangible and material wealth »
- Are the two conventions complementary or evolve in parallel?
- Very recent efforts to coordinate UNESCO cultural conventions

Main challenges in developing countries

- Insufficient budgets to implement cultural policies
- Provisions of the conventions not sufficiently integrated in national legal frameworks
- Low level of coordination between the two conventions
- Lack in capacity-building, mainly for communities, civil society, women and youth

Future perspectives

- Close coordination between the two conventions is needed on the national and international level
- Cross-cutting issues may be addressed in governmental policies beyond the cultural sector
- Work on the continuum: from tradition to creation

Muchas gracias