Kulturaren
Euskal Behatokia
Observatorio Vasco
de la Cultura

2024

Executive
Summary

Governance and Intangible Cultural Heritage

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KULTURA ETA HIZKUNTZA
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DEPARTAMENTO DE CULTURA
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Executive summary

2023 marked 20 years since UNESCO approved the Convention for the Safeguarding of Intangible Cultural Heritage in Paris. In these two decades, in addition to the accession of more than 180 countries, the capacity of the Convention to promote cultural diversity in the world has been confirmed.

Among the different types of heritage, intangible heritage is experiencing a moment of effervescence. This is evidenced by the fact that most of the assets or items declared world heritage by UNESCO correspond to this type of heritage. Furthermore, the list of intangible assets is not only extensive, but also diverse. In its potential extension lies its greatness and complexity, considering that almost any cultural manifestation representative of a community can be considered Intangible Cultural Heritage (hereinafter, ICH). The condition is that it has significance and meaning for the community.

As opposed to the immovable heritage associated with the power and spectacular nature of major civil and religious buildings, the Convention embarked on a path with the aim to recognise, safeguard and showcase the expressions of everyday life, the role of women, rural life, craftsmanship, etc. In this sense, it could be said that it gives a voice to the manifestations and groups with no visibility. It represents a leap forward from an anthropological perspective, which also implies new management methods.

It is precisely the central role of these communities committed to the safeguarding of ICH what makes it necessary to focus on the governance models for this type of heritage. The community, as a guarantor of the significance of ICH, must have a central role in its management. This is why governance, as an open framework, is the guiding thread of the study.

Governance designates a process through which relationships are established to enable interaction, exchange and cooperation between the institutions, structures and agents involved in the development of public policies. It is not an action but an attribute. It has to do with the quality of government action. Legitimacy, participation and transparency are the basis for this approach to contemporary political action.

When the concept is applied to cultural policies, UNESCO proposes the following definition in its report Re|Shaping Policies for Creativity (2022):

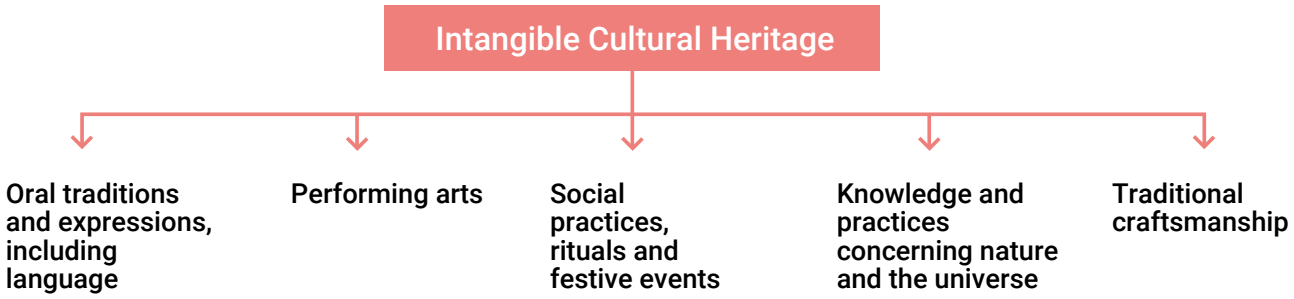
> The governance of culture encompasses normative frameworks, public policies, infrastructure, institutional capacities and processes that shape the cultural and creative sectors. Such governance aims to promote participation at all levels and by all actors, enabling a diversity of voices. It is therefore intended to be inclusive and sustainable.

It is worth highlighting this reference to inclusion and sustainability, in addition to all the elements implicit in the idea of governance. In short, governance is an axiomatic axis in current cultural policies; in fact, in the report on the monitoring of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), it appears as objective number one. Within the European framework, and focusing on cultural heritage, the Commission published a report expressly dedicated to the **Participatory Governance of Cultural Heritage**.

As regards Intangible Cultural Heritage, it can be observed how the concept has been developing and evolving through different UNESCO conventions and resolutions, both those of a general nature that affect cultural policies as a whole, as well as those of a more specific nature, until reaching a broad definition with a reference to international human rights instruments, which is precise, neutral and dynamic: the **Convention for the Safeguarding of the Intangible Cultural Heritage** (2003). Its international recognition is based on the importance of this living heritage for the sense of identity and continuity of the communities in which this heritage is created, transmitted and recreated. The **intangible cultural heritage** is defined as:

> 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, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

The Convention includes the following domains where intangible cultural heritage is manifested:



As a complement to the 2003 Convention, UNESCO proposes a set of ethical principles that serve as the basis for the development of specific ethical instruments and codes. They are designed to ensure the viability of the ICH and recognise its capacity to guarantee peace and sustainable development. Conceived from a holistic perspective, they include twelve principles that have an intrinsic relationship to the concept of governance.

There are three UNESCO mechanisms to ensure the safeguarding of the ICH:

- The ICH list that requires **urgent safeguarding measures** (Article 17 of the Convention), which includes 82 cases worldwide.
- The **representative list** of the ICH of Humanity (Article 16 of the Convention), which includes 611 cases worldwide.
- The register of **good safeguarding practices** (Article 18 of the Convention), with 37 cases worldwide.

As regards the situation of ICH in the Basque Autonomous Community, and following a descending logic, there is currently no Basque intangible asset on UNESCO's Representative List of the ICH. It does have three sites inscribed on the World Heritage List: the Coastal and Inland Routes, within the 'Routes of Santiago de Compostela', the Vizcaya Bridge and the caves of Santimamiñe, Ekain and Altxerri, within the 'Paleolithic Cave Art of Northern Spain'.

From a regulatory perspective, the first thing to note is that it is a legal asset expressly protected by law, both regionally and nationally. The Basque Cultural Heritage Law (Law 9/2019), comprehensive in nature, includes the ICH.

As background to the Basque Country's ICH, it is worth highlighting the massive research work on ethnography carried out by Aranzadi, Barandiaran, Manterola, the Etniker groups and the Labayru Institute, which is a fundamental asset to take into account in the management of the ICH. There is no precedent on a European scale for research work of the rigour and ambition that the Ethnographic

Atlas of the Basque Country exhibits. Consideration should be given to ways of integrating all this knowledge into the ICH protection measures to be implemented in the future.

On the other hand, and within the current work on ICH in the Basque Autonomous Community, two collections of intangible cultural assets are included in the map available on the website of the Cultural Heritage Centre of the Basque Government: Basque dances (449 records corresponding to the three regions) and carnivals (238 records corresponding to Biscay and Araba/Álava). Another measure by the Cultural Heritage Centre of the Basque Government is the line of grants allocated to the safeguarding of the ICH. The provincial councils also have grants and programmes to preserve and disseminate the ICH.

At the time of this report, the decree on the preparation, structure and access to the Intangible Cultural Assets **Inventory** of the Basque Autonomous Community is under review. In relation to the **safeguarding plans** for intangible cultural assets, the aforementioned law literally states that 'they constitute the instrument that integrates the strategies and actions for safeguarding said assets. They will include appropriate safeguarding, promotion and dissemination measures that will contribute to the revitalisation of the affected bearer communities, not only from an economic perspective, but fundamentally from a social and cultural one.'

According to Law 6/2019, intangible assets only have a special level of protection, unlike immovable and movable assets, with medium and basic levels of protection. In 2023 the BOPV (Official Basque Country Gazette) published a resolution to initiate and submit to public information the dossier for the declaration of **bertsolarism as an Intangible Cultural Asset of Special Protection**. It is the first ICA (Intangible Cultural Asset) to initiate the process to obtain this form of protection. On 11 June 2024, the Government Council approved this declaration.

One of the ways to disseminate knowledge about ICH is through journals such as the Kobie and Basque Folklore magazines, now published by the José Miguel de Barandiaran Foundation, or through specific publications such as the monograph produced by UNESCO Etxea on Intangible Cultural Heritage and Sustainable Development. In any case, the most prominent dissemination channel is the European Heritage Days, which were dedicated to ICH in their 2023 edition with the motto Ondarea bizirik!-Living heritage. It is worth highlighting the diversity, richness and success of this event and, of course, the work done by the provincial councils to promote it.

Looking into the future, a framework for a comprehensive management of the ICH of the Basque Autonomous Community from a model that promotes and guarantees governance must consider the following key issues:

- **Policy and priorities:** Between the general legislative framework and the specific domain for the preparation of inventories or declarations of intangible assets, there is an intermediate area, currently undeveloped, whose objectives should be aimed at establishing and planning priorities for action, setting criteria, designing a medium-term programme, designating responsibilities and providing the material and human resources necessary for its development. A **Policy or Master Plan for ICH in the Basque Autonomous Community** that includes both the 'what' (objectives, priorities, criteria) and the 'how' (instruments, procedures and governance) is necessary.

- **Methodology:** It is, at this stage, the **most urgent task** and it should be carried out in parallel with the policy. It requires the participation of experts (both technical and academic specialists) with in-depth knowledge of the situation. In this area, it is necessary to define criteria for the identification and assessment of ICH, to organize its content, to establish priorities and to study the possibilities of including existing research and knowledge into the ICH Inventory of the Basque Autonomous Community, to design protocols to systematise the information and to feed the Inventory in line with the Regulations that are being designed and to consider the possibility of hosting the inventory in a specific portal, where community participation can be channelled, in addition to reinforcing the dissemination and showcasing of ICH.

- **The role of local governments:** The law does not clearly define the functions of provincial or town councils regarding the ICH, beyond the dissemination, showcasing and protection of the material elements that make up the intangible asset. The ICH is local by definition, in a vernacular sense, as a manifestation unique and specific to a place. It is the provincial and town councils working with community culture the entities that are most familiar with the situation and risks of ICH in their scope of action. As these administrations are the closest ones to the associative fabric and act as promoters of sociocultural policies, they must play a key role in the process of ICH management and governance.

- **Governance:** A bottom-up participatory process whose heart belongs to the bearer communities requires a multilateral and multi-level governance model that encourages the involvement of all stakeholders and all stages of the decision-making process. It is necessary to coordinate all the parties and facilitate mechanisms so that they can be an active part of the management for the safeguarding of the ICH.

The report concludes with a series of inspiring elements for the design of a new ICH management and governance framework, and with a reflection on its connection with other areas, both within cultural policies and with other policies directly concerned, such as cultural tourism, or with cross-cutting issues such as sustainability, which open up the possibility of establishing intersectoral connections.

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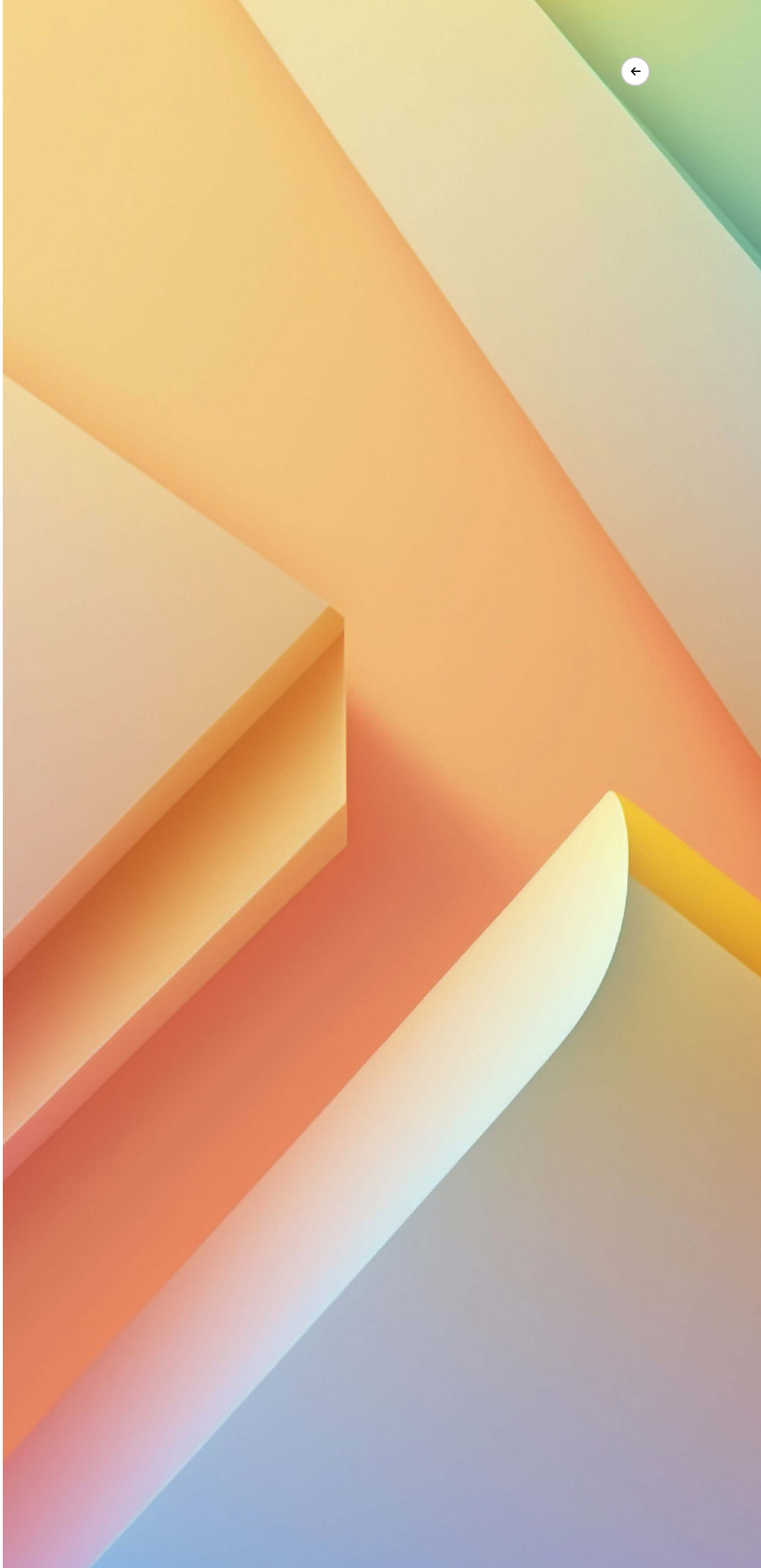

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