

Convention for the Safeguarding of  
the Intangible Cultural

Paris, 17 October 2003

The General Conference of the United Nations Educational, Scientific and Cultural Organization hereinafter referred to as UNESCO, meeting in Paris, from 29 September to 17 October 2003, at its 32nd session...

# Heritage



Photo © UNESCO/Brugman

❖ *The Moussem of Tan-Tan, Morocco*

❖ *The Woodcrafting Knowledge of the Zafimaniry, Madagascar*

..**Referring** to existing international human rights instruments, in particular to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966,

**Considering** the importance of the intangible cultural heritage as a main-spring of cultural diversity and a guarantee of sustainable development, as underscored in the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, in the UNESCO Universal Declaration on Cultural Diversity of 2001, and in the Istanbul Declaration of 2002 adopted by the Third Round Table of Ministers of Culture,

**Considering** the deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage,

**Recognizing** that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage,

**Being aware** of the universal will and the common concern to safeguard the intangible cultural heritage of humanity,

**Recognizing** that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity,

**Noting** the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, in particular the Convention for the Protection of the World Cultural and Natural Heritage of 1972,

**Noting further** that no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage,

**Considering** that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage,

**Considering** the need to build greater awareness, especially among the younger generations, of the importance of the intangible cultural heritage and of its safeguarding,

**Considering** that the international community should contribute, together with the States Parties to this Convention, to the safeguarding of such heritage in a spirit of cooperation and mutual assistance,

**Recalling** UNESCO's programmes relating to the intangible cultural heritage, in particular the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity,

**Considering** the invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,

**Adopts** this Convention on this seventeenth day of October 2003.



El Güegüense, Nicaragua

Photo © Instituto Nicaragüense de Cultura (INIC)

## I. GENERAL PROVISIONS

### Article 1: Purposes of the Convention

The purposes of this Convention are:

- (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.

### Article 2: Definitions

For the purposes of this Convention,

1. The 'intangible cultural heritage' means 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 recognize 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.

2. The 'intangible cultural heritage', as defined in paragraph 1 above, is 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.
3. 'Safeguarding' means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non formal education, as well as the revitalization of the various aspects of such heritage.
4. 'States Parties' means States which are bound by this Convention and among which this Convention is in force.
5. This Convention applies *mutatis mutandis* to the territories referred to in Article 33 which become Parties to this Convention in accordance with the conditions set out in that Article. To that extent the expression 'States Parties' also refers to such territories.

The Cultural Space of the Boysun District, Uzbekistan



Photo © UNESCO

**Article 3: Relationship to other international instruments**

Nothing in this Convention may be interpreted as:

- (a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or
- (b) affecting the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.

**II. ORGANS OF THE CONVENTION**

**Article 4: General Assembly of the States Parties**

1. A General Assembly of the States Parties is hereby established, hereinafter referred to as 'the General Assembly'. The General Assembly is the sovereign body of this Convention.
2. The General Assembly shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or at the request either of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage or of at least one-third of the States Parties.
3. The General Assembly shall adopt its own Rules of Procedure.

**Article 5: Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage**

1. An Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, hereinafter referred to as 'the Committee', is hereby established within UNESCO. It shall be composed of representatives of 18 States Parties, elected by the States Parties meeting in General Assembly,

once this Convention enters into force in accordance with Article 34.

2. The number of States Members of the Committee shall be increased to 24 once the number of the States Parties to the Convention reaches 50.

**Article 6: Election and terms of office of States Members of the Committee**

1. The election of States Members of the Committee shall obey the principles of equitable geographical representation and rotation.
2. States Members of the Committee shall be elected for a term of four years by States Parties to the Convention meeting in General Assembly.
3. However, the term of office of half of the States Members of the Committee elected at the first election is limited to two years. These States shall be chosen by lot at the first election.
4. Every two years, the General Assembly shall renew half of the States Members of the Committee.
5. It shall also elect as many States Members of the Committee as required to fill vacancies.
6. A State Member of the Committee may not be elected for two consecutive terms.
7. States Members of the Committee shall choose as their representatives persons who are qualified in the various fields of the intangible cultural heritage.

**Article 7: Functions of the Committee**

Without prejudice to other prerogatives granted to it by this Convention, the functions of the Committee shall be to:

- (a) promote the objectives of the Convention, and to encourage and monitor the implementation thereof;

- (b) provide guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage;
- (c) prepare and submit to the General Assembly for approval a draft plan for the use of the resources of the Fund, in accordance with Article 25;
- (d) seek means of increasing its resources, and to take the necessary measures to this end, in accordance with Article 25;
- (e) prepare and submit to the General Assembly for approval operational directives for the implementation of this Convention;
- (f) examine, in accordance with Article 29, the reports submitted by States Parties, and to summarize them for the General Assembly;
- (g) examine requests submitted by States Parties, and to decide thereon, in accordance with objective selection criteria to be established by the Committee and approved by the General Assembly for:
  - (i) inscription on the lists and proposals mentioned under Articles 16, 17 and 18;
  - (ii) the granting of international assistance in accordance with Article 22.

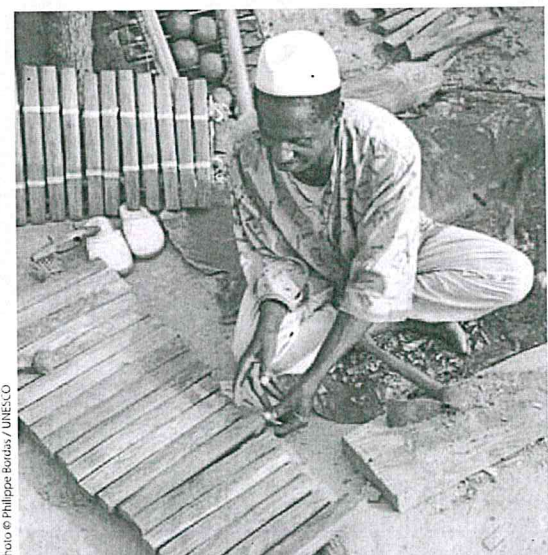


Photo © Philippe Bourdier / UNESCO

↳ The Cultural Space of Sosso-Bala, Guinea



Photo © Agency for Cultural Affairs/AOJiD Shimji



Photo © Fernando Bugman/UNESCO



Photo © Bangladesh National Commission for UNESCO

🎭🎭🎭 *Ningyo Johuri*  
*Bunraku Puppet Theatre,*  
*Japan*

🎭🎭 *The Uyghur Muqam of*  
*Xinjiang, China*

🎭 *Baul Songs, Bangladesh*

🐄 *Oxherding and Oxcart*  
*Traditions, Costa Rica*

#### *Article 8: Working methods of the Committee*

1. The Committee shall be answerable to the General Assembly. It shall report to it on all its activities and decisions.
2. The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members.
3. The Committee may establish, on a temporary basis, whatever *ad hoc* consultative bodies it deems necessary to carry out its task.
4. The Committee may invite to its meetings any public or private bodies, as well as private persons, with recognized competence in the various fields of the intangible cultural heritage, in order to consult them on specific matters.

#### *Article 9: Accreditation of advisory organizations*

1. The Committee shall propose to the General Assembly the accreditation of non-governmental organizations with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee.
2. The Committee shall also propose to the General Assembly the criteria for and modalities of such accreditation.

#### *Article 10: The Secretariat*

1. The Committee shall be assisted by the UNESCO Secretariat.
2. The Secretariat shall prepare the documentation of the General Assembly and of the Committee, as well as the draft agenda of their meetings, and shall ensure the implementation of their decisions.

### **III. SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE AT THE NATIONAL LEVEL**

#### *Article 11: Role of States Parties*

Each State Party shall:

- (a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;
- (b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.

#### *Article 12: Inventories*

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories.

#### *Article 13: Other measures for safeguarding*

To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:

- (a) 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 planning programmes;
- (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory;
- (c) 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;
- (d) adopt appropriate legal, technical, administrative and financial measures aimed at:
- (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;
  - (ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;
  - (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

**Article 14: Education, awareness-raising and capacity-building**

Each State Party shall endeavour, by all appropriate means, to:

- a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through:
  - (i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people;

- (ii) specific educational and training programmes within the communities and groups concerned;
  - (iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and
  - (iv) non-formal means of transmitting knowledge;
- (b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention;
  - (c) promote education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.

**Article 15: Participation of communities, groups and individuals**

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

**IV. SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE AT THE INTERNATIONAL LEVEL**

**Article 16: Representative List of the Intangible Cultural Heritage of Humanity**

1. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity.
2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this Representative List.

**Article 17: List of Intangible Cultural Heritage in Need of Urgent Safeguarding**

1. With a view to taking appropriate safeguarding measures, the Committee shall establish, keep up to date and publish a List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and shall inscribe such heritage on the List at the request of the State Party concerned.
2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this List.
3. In cases of extreme urgency – the objective criteria of which shall be approved by the General Assembly upon the proposal of the Committee – the Committee may inscribe an item of the heritage concerned on the List mentioned in paragraph 1, in consultation with the State Party concerned.

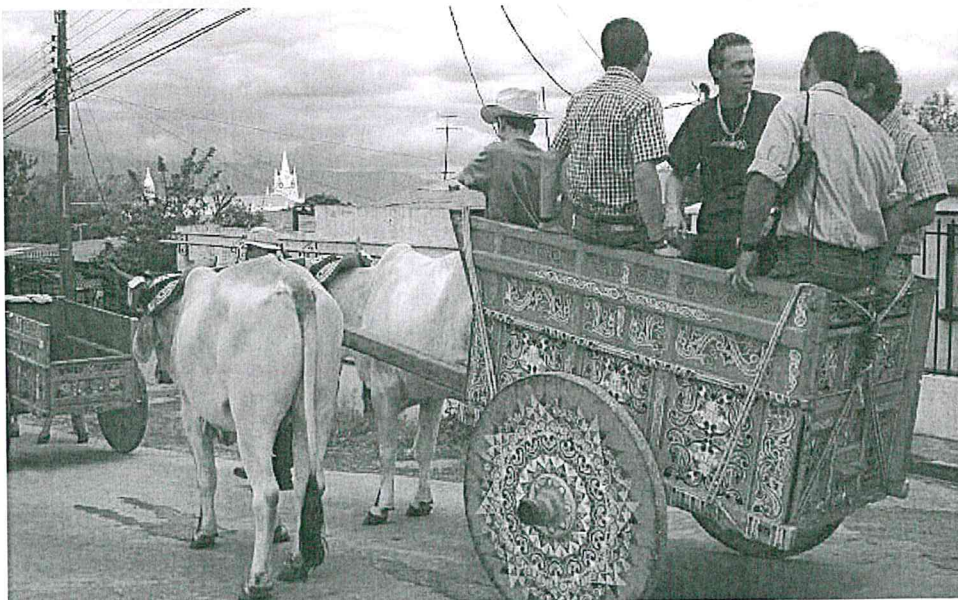


Photo © Ministerio de Cultura, Juventud y Deportes

## ICOMOS PRINCIPLES FOR THE PRESERVATION AND CONSERVATION-RESTORATION OF WALL PAINTINGS (2003)

### Article 2: Investigation

All conservation projects should begin with substantial scholarly investigations. The aim of such investigations is to find out as much as possible about the fabric of the structure and its superimposed layers with their historical, aesthetic and technical dimensions. This should encompass all material and incorporeal values of the painting, including historic alterations, additions and restorations. This calls for an interdisciplinary approach.

The methods of investigation should be as far as possible non-destructive. Special consideration should be given to wall paintings that may be hidden under whitewash, Paint layers, plaster, etc. Prerequisites for any conservation program are the scientific investigation of decay mechanisms on macro and micro scale, the material analysis and the diagnosis of the condition.

### Article 3: Documentation

In agreement with the Venice Charter, the conservation-restoration of wall paintings must be accompanied by a precise program of documentation in the form of an analytical and critical report, illustrated with drawings, copies, photographs, mapping, etc. The condition of the paintings, the technical and formal features pertaining to the process of the creation and the history of the object must be recorded. Furthermore, every stage of the conservationrestoration, materials and methodology used should be documented. This report should be placed in the archives of a public institution and made available to the interested public. Copies of such documentation should also be kept in situ, or in the possession of those responsible for the monument. It is also recommended that the results of the work should be published. This documentation should consider definable units of area in terms of such investigations, diagnosis and treatment. Traditional methods of written and graphic documentation can be supplemented by digital methods. However, regardless of the technique, the permanence of the records and the future availability of the documentation is of utmost importance.

### Article 4: Preventive Conservation, Maintenance and Site Management

The aim of preventive conservation is to create favourable conditions minimising decay, and to avoid unnecessary remedial treatments, thus prolonging the life span of wall paintings. Appropriate monitoring and the control of the environment are both essential components of preventive conservation. Inappropriate climatic conditions and moisture problems can cause deterioration and biological attacks. Monitoring can detect initial processes of decay of the

painting or the supporting structure, thus preventing further damage. Deformation and structural failure leading even to possible collapse of the supporting structure, can be recognised at an early stage. Regular maintenance of the building or the structure is the best guarantee for the safeguard of the wall paintings.

Inappropriate or uncontrolled public uses of monuments and sites with wall paintings can lead to their damage. This may necessitate the limitation of visitors and, in certain cases, involve temporary closure to public access. However, it is preferable that the public should have the opportunity to experience and appreciate wall paintings as being part of the common cultural heritage. It is, therefore, important to incorporate into the site management careful planning of access and use, preserving, as far as possible, the authentic tangible and intangible values of the monuments and sites.

Due to various sociological, ideological and economical reasons many wall paintings, often situated in isolated locations, become the victims of vandalism and theft. In these cases, the responsible authorities should take special preventive measures.

#### Article 5: Conservation-Restoration Treatments

Wall paintings are an integral part of the building or structure. Therefore, their conservation should be considered together with the fabric of the architectural entity and surroundings. Any intervention in the monument must take into account the specific characteristics of Wall paintings and the terms of their preservation. All interventions, such as consolidation, cleaning and reintegration, should be kept at a necessary minimal level to avoid any reduction of material and pictorial authenticity. Whenever possible, samples of stratigraphic layers testifying to the history of the paintings should be preserved, preferably in situ.

Natural ageing is a testimony to the trace of time and should be respected. Irreversible chemical and physical transformations are to be preserved if their removal is harmful. Previous restorations, additions and over-painting are part of the history of the wall painting. These should be regarded as witnesses of past interpretations and evaluated critically.

All methods and materials used in conservation and restoration of wall paintings should take into account the possibility of future treatments. The use of new materials and methods must be based on comprehensive scientific data and positive results of testing in laboratories as well as on sites. However, it must be kept in mind that the long term effects of new materials and methods on wall paintings are unknown and could be harmful. Therefore, the use of traditional materials, if compatible with the components of the painting and the surrounding structure, should be encouraged.



The aim of restoration is to improve the legibility of form and content of the wall painting, while respecting the original creation and its history. Aesthetic reintegration contributes to minimising the visibility of damage and should primarily be carried out on non-original material. Retouching and reconstructions should be carried out in a way that is discernible from the original. All additions should be easily removable. Over-painting must be avoided.

Uncovering of wall paintings requires the respect of the historic situation and the evaluation of what might be lost. This operation should be executed only after preliminary investigations of their condition, extent and value, and when this is possible without incurring damage. The newly uncovered paintings should not be exposed to unfavourable conditions.

In some cases, reconstruction of decorative wall paintings or coloured architectural surfaces can be a part of a conservation-restoration program. This entails the conservation of the authentic fragments, and may necessitate their complete or partial covering with protective layers. A well-documented and professionally executed reconstruction using traditional materials and techniques can bear witness to the historic appearances of facades and interiors. Competent direction of conservation-restoration projects should be maintained at all stages and have the approval of the relevant authorities. It would be desirable that independent supervision of the project were insured by competent authorities or institutions without commercial interest in the outcome. Those responsible for management decisions must be named, and the work must be implemented by professionals with appropriate knowledge and skills.