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**CONVENTION FOR THE SAFEGUARDING OF THE
INTANGIBLE CULTURAL HERITAGE**

**INTERGOVERNMENTAL COMMITTEE FOR THE
SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

Tenth session
Windhoek, Namibia
30 November to 4 December 2015

Item 15.a of the Provisional Agenda:
Expert meeting on a model code of ethics

Summary

At its seventh session, the Committee invited the Secretariat 'to initiate work on a model code of ethics' (Decision 7.COM 6). The Secretariat thus organized a category VI expert meeting to discuss the content and modalities of elaboration of a model code of ethics. The present document presents the results of that meeting, held in Valencia, Spain, from 30 March to 1 April 2015.

Decision required: paragraph 11

1. In 2012, at its seventh session, the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage invited the UNESCO Secretariat ‘to initiate work on a model code of ethics and to report on it to a next session of the Committee’ (Decision 7.COM 6). This request was made in the context of a debate on the increasing concern over the commercialization of intangible cultural heritage and reflected the growing awareness among States Parties of the need to provide guidelines on ethical approaches to the safeguarding of intangible cultural heritage in order to underpin the implementation of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.
2. Neither the Convention nor the Operational Directives provide specific ethical guidelines or norms of conduct to orient the efforts of the many actors involved in safeguarding intangible cultural heritage or whose actions – whether inadvertently or by design – affect such safeguarding. However, ethical considerations are present in some chapters of the Operational Directives, as paragraph 93 stipulates that ‘Accredited non-governmental organizations should abide by applicable domestic and international legal and ethical standards’. Furthermore, paragraph 103 stipulates that ‘States Parties are encouraged to develop and adopt codes of ethics based on the provisions of the Convention and these Operational Directives, in order to ensure appropriate ways of raising awareness about the intangible cultural heritage present in their respective territories’.
3. Responding to the Committee’s request to give greater attention to this topic, the Secretariat organized an expert meeting in Valencia, Spain, from 30 March to 1 April 2015, generously co-funded, hosted and co-organized by the Ministry of Education, Culture and Sport of the Kingdom of Spain, with additional funding from the Intangible Cultural Heritage Fund. The meeting brought together eleven experts (including five women) from the six UNESCO electoral groups, who participated in a private capacity in accordance with the category VI classification of this expert meeting. Experts were selected to represent a wide range of expertise (anthropology, communication, development, heritage, intellectual property, law), experience and sectors (government, academia, NGO, think-tank) to provide diverse insights and new perspectives on core values to be included in a potential model code of ethics and its scope. The Secretariat made a particular effort in the selection of participants to broaden the circle of professionals beyond the pool of experts who regularly participate in meetings and events organized by UNESCO.
4. In preparation for this meeting, the Secretariat elaborated a reference document ([Document ITH-15-EXP-2](#)) based on previous discussions of the Committee, on previous work undertaken by the Secretariat on the subject and on complementary research. The Secretariat organized this reference document around the key issues to be considered in the elaboration of a code of ethics and proposed ten ethical principles that could constitute the basis of a code of ethics for intangible cultural heritage. Drawing upon core values enunciated in the Convention, the reference document suggested not only those ethical principles but also offered examples of how they might then be elaborated into standards of conduct or behaviour that might be included in a code. It also discussed how model codes are used and implemented by international, national and local organizations, either as educational tools or as regulatory instruments. The working papers for the meeting are available on a dedicated [web page](#)¹.
5. The expert meeting in Valencia constituted the first important step in the global discussion on the relevance, content and modalities of elaboration of a potential model code of ethics for intangible cultural heritage. The meeting was divided into four separate sessions, on (1) core values of the Convention that should be integrated into codes of ethics for intangible cultural heritage, (2) the general scope of codes of ethics for intangible cultural heritage, (3) specific ethical principles that should be included in codes of ethics, and (4) possible processes to elaborate a model code for intangible cultural heritage and to proceed from a model code to specific codes. During each of the sessions, experts were invited to discuss the need and

1. http://www.unesco.org/culture/ich/index.php?meeting_id=00463

relevance of a code of ethics, as well as share and discuss ideas on the content, type, addressees and specificity of a potential model code of ethics.

6. Experts unanimously underlined the crucial need for ethical guidance from UNESCO in the safeguarding of the intangible cultural heritage. Emphasizing the increasing concern over growing threats to intangible cultural heritage – including commercialization, commodification and decontextualization – experts stressed that ethical concerns ought not to apply to the substance of living heritage itself but rather should focus on safeguarding efforts. In this regard, experts considered that an aspirational code of ethics would be more desirable, although some prescriptive principles might be necessary to ensure the applicability of the document.
7. With the exception of a few countries and non-governmental organizations, there are few examples of government policies and legislative, administrative or other approaches towards respecting intangible cultural heritage through a code of ethics. It is therefore considered that such ethical principles could provide guidance to Member States and development actors with concrete ethical procedures applicable to all kinds of activities related to intangible cultural heritage or that could potentially affect its viability. Such actors range from State agencies and public institutions to private entities and civil society organizations, as well as the communities, groups and individuals concerned. The experts agreed that a wide range of stakeholders needed a code of ethics specifically targeting each sector and that general principles needed to be developed as a first practical step and foundation on which future codes of ethics could be devised.
8. A consensus was reached on the need for ethical principles for safeguarding intangible cultural heritage to be founded on the fundamental principles embodied in the Convention and key normative instruments in the field of human rights, including the importance of free, prior and informed consent of local communities and respect for the right of the people concerned to full and fair participation in any processes, projects and activities that affect them, and recognition of their key role in maintaining and managing their culture and heritage. The development, promotion and implementation of ethical principles for safeguarding intangible cultural heritage can contribute to achieving enhanced sensitivity to cultural norms, honesty, transparency and appropriate behaviour, prevent any forms of disrespect and moral, legal or commercial misappropriation of intangible cultural heritage and thus, considerably strengthen the safeguarding efforts of the communities, groups and individuals concerned. Such principles would also guide safeguarding efforts and promote respect for intangible cultural heritage in related fields such as cultural heritage, museums, anthropology, folklore, tourism, the media and intellectual property.
9. Stemming from the realization that it would not be possible to develop a 'ready-made' code of ethics model to be applicable to all groups and individuals who directly or indirectly affect the viability of intangible cultural heritage, the experts recommended the use of a participatory approach in the development of codes of ethics to facilitate the contribution of diverse groups of stakeholders and the efficient mobilization of expertise from governments and civil society. It was further suggested to develop a toolkit, as an online operational tool complementary to the ethical principles. In this regard, the possibility to develop a specific section on ethics within the UNESCO website was proposed and discussed, as a platform to disseminate proposed general ethical principles and existing examples of codes of ethics relevant to intangible cultural heritage and/or its connecting fields, as well as encourage relevant organizations and communities to develop their own specific codes of ethics.
10. Taking into account the broad tendency of the debate at the expert meeting and specific comments and proposals, the Secretariat has incorporated the improvements proposed by the experts in a revised version of the ethical principles, which is annexed to the present document. Experts recommended that those principles be adopted by the Committee to spur global effort in increasing ethical considerations in the safeguarding of intangible cultural heritage and foster the ethical dimension of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.

11. The Committee may wish to adopt the following decision:

DRAFT DECISION 10.COM 15.a

The Committee,

1. Having examined document ITH/15/10.COM/15.a,
2. Recalling Decision 7.COM.6,
3. Thanking the Ministry of Education, Culture and Sport of Spain for having generously hosted and co-funded the expert meeting on a model code of ethics for intangible cultural heritage that was held in Valencia, Spain, from 30 March to 1 April 2015,
4. Commending the work undertaken by the Secretariat in the overall reflection on the need, relevance and modalities of elaboration of a code of ethics for safeguarding intangible cultural heritage,
5. Reaffirming the importance of ethical principles for all organizations and individuals who directly or indirectly affect the viability and thereby the safeguarding of the intangible cultural heritage,
6. Acknowledging that ethical codes can be efficiently implemented and respected only if adapted to the political, economic, social and legal context of a country and/or a sector, and if widely accepted by the addressees,
7. Decides to endorse the ethical principles for safeguarding intangible cultural heritage annexed to this decision;
8. Encourages States Parties and other national and local organizations to develop and promulgate their own – national or sector-specific – codes of ethics based on these principles, through a participatory process involving communities and relevant stakeholders;
9. Requests the Secretariat to develop an online toolkit based on the ethical principles annexed to this decision and comprising practical guidance and examples of existing codes of ethics to facilitate the development of specific codes by national and local entities, as encouraged in paragraph 8 of the present decision;
10. Requests the Secretariat to include ethical considerations in the global capacity-building programme by developing training materials sensitizing governments and communities to ethical concerns in the safeguarding of intangible cultural heritage and guiding governments and communities in the development of specific codes of ethics, as well as by integrating ethical insights in existing materials wherever relevant.

ANNEX

Ethical Principles for Safeguarding Intangible Cultural Heritage

The Ethical Principles for Safeguarding Intangible Cultural Heritage have been elaborated in the spirit of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and existing international normative instruments protecting human rights and the rights of indigenous peoples. They represent a set of overarching aspirational principles that are widely accepted as constituting good practices for governments, organizations and individuals directly or indirectly affecting intangible cultural heritage in order to ensure the viability of living heritage, thereby recognizing its contribution to peace and sustainable development. Complementary to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, the Operational Directives for the Implementation of the Convention and national legislative frameworks, these Ethical Principles are intended to serve as basis for the development of specific codes of ethics adapted to local and sectoral conditions.

- 1) Communities, groups and individuals should have the **primary role** in safeguarding their own intangible cultural heritage, particularly as regards its identification, transmission and revitalization.
- 2) The **right of communities, groups and individuals** to continue the practices, representations, expressions, knowledge and skills necessary to ensure the viability of the intangible cultural heritage should be recognized and respected.
- 3) **Mutual respect** as well as a respect for and mutual appreciation of intangible cultural heritage, should prevail in interactions between States and between communities, groups and individuals.
- 4) All interactions with the communities, groups and individuals who create, safeguard, maintain and transmit intangible cultural heritage should be characterized by **transparent** collaboration, dialogue, negotiation and consultation, and contingent upon their **free, prior, sustained and informed consent**.
- 5) **Access** of communities, groups and individuals to the instruments, objects, artefacts, cultural and natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage should be ensured. Customary practices governing access to intangible cultural heritage should be fully respected, even where these may limit broader public access.
- 6) Each community, group or individual should assess the value of its own intangible cultural heritage and this intangible cultural heritage should **not be subject to external judgements of value or worth**.
- 7) The communities, groups and individuals who create intangible cultural heritage should **benefit from the protection** of the moral and material interests resulting from such heritage, and particularly from its use, research, documentation, promotion or adaptation by members of the communities or others.
- 8) The **dynamic and living nature of intangible cultural heritage** should be continuously respected. Authenticity and exclusivity should not constitute concerns in the safeguarding of intangible cultural heritage.
- 9) Communities, local, national and transnational organizations and individuals should carefully assess the direct and indirect, short-term and long-term, potential and definitive **impact** of any action that may affect the viability of intangible cultural heritage or the communities who practice it.
- 10) Communities, groups and individuals should play a crucial role in determining what constitutes **threats to their intangible cultural heritage** including the decontextualization, commodification, misrepresentation and museification of it and in deciding how to prevent and mitigate such threats.

- 11) **Cultural diversity** and the identities of communities, groups and individuals should be fully respected. In the respect of values recognized by communities and sensitivity to cultural norms, specific attention to **gender** equality, **youth** involvement and **ethnicity** equality should be included in the design and implementation of safeguarding measures.
- 12) The safeguarding of intangible cultural heritage is of **general interest to humanity** and should therefore be undertaken through cooperation among bilateral, sub regional, regional and international parties; nevertheless, communities, groups or individuals should never be alienated from their own intangible cultural heritage.