

ICOMOS ICICH

international council on monuments and sites international committee on intangible cultural heritage

DRAFT INTERNATIONAL CHARTER ON AND GUIDANCE ON SITES WITH INTANGIBLE CULTURAL HERITAGE

(Version: 19 May 2024)

Section I: CHARTER

1. PREAMBLE

Intangible cultural heritage (ICH) is an important aspect of cultural heritage in all societies around the world. Intangible and tangible heritage is inextricably linked as traditional, social or cultural practices and knowledge that are transmitted from generation to generation and which provide an understanding of and give meaning, value and context to objects, sites and other physical spaces. It is constantly evolving in response to a community's environment, its interaction with nature and its history.

The purpose of the ICOMOS Charter on Intangible Cultural Heritage (hereafter the "Charter") is to advocate for the recognition of intangible cultural heritage as an integral part of site-based heritage and to support and guide ICOMOS members to a more integrated tangible-intangible heritage practice and to align their work with the 2003 Convention for Safeguarding of the Intangible Cultural Heritage. The Charter is a reminder that intangible cultural heritage often co-exists with aspects of tangible heritage.

Intangible cultural heritage includes practices, representations, expressions, knowledge systems, skills and associated objects, archives and documents. The value of such living cultural expressions is related to identity; memory and remembrance; belief and symbolism; nature and the environment; knowledge systems and sites. Such intangible cultural heritage is enacted, transmitted and revived within communities in response to their environment, their interaction with nature and their history. Communities may move elsewhere, maintaining a continuity of their intangible cultural heritage expressions at a site in another location. Often these sites are shared spaces between different cultural groups.

The Glossary includes key terms used in this Charter. Please refer to the Glossary to understand how these terms are used here. For example, the term "communities" includes groups and, as appropriate, individuals, and "site" includes place and space, as appropriate. Other important terms include: custodians, conservation, protection, cultural and intellectual property rights.

2. WHO IS THE CHARTER FOR?

The Charter is primarily aimed at supporting and guiding ICOMOS members. It defines standards and principles on how to acknowledge and engage with intangible cultural heritage in relation to cultural and natural tangible heritage. It is also aimed at supporting and guiding heritage professionals in general.

3. OBJECTIVES OF THE CHARTER

The objectives of the Charter are to:

Objective 1: Affirm the importance of intangible cultural heritage and the need for its safeguarding, noting the inseparability of heritage and recognising that tangible and intangible aspects should be respected in equal measure. Contemporary heritage practice therefore requires an integrated approach.

Objective 2: Confirm that all heritage professionals have a responsibility to ensure that the values and attributes of intangible cultural heritage connected to a site are identified, acknowledged and safeguarded.

Objective 3: Establish standards of ethical practice related to a community's intangible cultural heritage, its identification, safeguarding, sustainability, management, transmission, sharing, commemoration and celebration.

Objective 4: Set out principles and provide guidance to ensure that intangible cultural heritage and the relevant communities are included when undertaking heritage projects.

Objective 5: Support and assist heritage authorities and others where projects involve sites with intangible cultural heritage and ensure that intangible cultural heritage is integrated into their work.

Objective 6: Recognise the risks posed to both intangible and tangible heritage through loss or damage to either. Such loss or damage has the potential to affect the significance of a site and/or the safeguarding of intangible cultural heritage.

4. BACKGROUND

The importance of the intangible aspects of cultural heritage has enjoyed increasing prominence in recent decades and the need to safeguard such practices is now recognised. The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage gave impetus to the recognition of the importance of intangible cultural heritage as a key aspect of the collective culture and experience of humanity. It also created momentum in the field of conservation of tangible heritage to recognise intangible cultural heritage, with these two aspects of culture now accepted as inseparable. Contemporary heritage practice acknowledges that the conservation of heritage sites is often crucial to the safeguarding of intangible cultural heritage.

Intangible cultural heritage and its links to sites are acknowledged in ICOMOS charters, principles and declarations, in particular the Kimberley Declaration on the Intangible Heritage of Cultural Spaces (2003) and the Québec Declaration on the Preservation of the Spirit of Place (2008). The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (specifically Criterion (vi)) and the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage also ~~recognises~~recognise these links. The 2003 Convention is dedicated separately to intangible cultural heritage and identifies a community's associated 'cultural and natural spaces' that link tangible with intangible cultural heritage and formalises the notion of 'places of memory'.

While both the World Heritage Convention and Convention on Intangible Cultural Heritage have had major impacts on professional practice, and their terminology and many other provisions inform this Charter and ICOMOS practice in general, the work of ICOMOS and heritage practitioners goes beyond the scope of both conventions and this Charter is intended to cover areas not necessarily covered by the two conventions.

The twenty-first century has seen accelerating globalisation and the increasing loss of cultural context and traditional knowledge and practices. This trend is exacerbated by the attendant processes of climate change and the accompanying risks to ways of life from ever-increasing natural and human-made disasters. Along with other factors, these cause dislocation and movement of people, impact on ways of life, and disconnect people from their traditions and the sites associated with them. In this context, the ongoing debate around and formulation of approaches to climate change; the management and mitigation of risks to heritage sites; and the recognition of the connection between nature and culture are acknowledged as important to understanding threats to intangible cultural heritage and addressing its safeguarding and the conservation of associated sites including the management of disasters. In the same context, traditional knowledge of the ecology and environment may offer new ways to respond to climate change and disasters. The UN Sustainable Development Goals (SDGs) and targets are therefore particularly important in relation to intangible cultural heritage as they are for tangible heritage.

In working with intangible cultural heritage, it is important to acknowledge that nature and human culture have interacted, creating systems of knowledge, traditional practices and rituals that help shape the distinctiveness of heritage sites. ICOMOS and IUCN (International Union for the Conservation of Nature) have jointly developed tools to support the interconnectedness of natural and cultural values in heritage practice and these should be used in conjunction with this Charter.

Development processes, whether intended to improve the well-being of a community, or of questionable value to it, may also be a threat to heritage sites associated with intangible cultural heritage. The intangible cultural heritage associated with a site is not necessarily evident to those propagating development, especially if they are not part of a community that is associated with such sites. If there is any likelihood of development impacting upon a heritage site, it is necessary to give more prominence to the obligation to involve communities closely in decision-making about and the management of development and both heritage and environmental conservation. Likewise, and where appropriate and desirable, and if sensitively managed, techniques of documenting and recording such sites and their intangible cultural heritage can play a critical and positive role as an aspect of conservation and safeguarding. In this context, and the context of increased risk of the over-commercialisation of intangible cultural heritage, it is necessary to recognise recent and growing acknowledgement of the intellectual and traditional rights of communities associated with cultural traditions and intangible cultural heritage.

While the global growth in tourism has brought with it benefits such as economic opportunities, unmanaged tourism and mass tourism have had negative consequences for cultural and natural heritage. This is particularly true for intangible cultural heritage, which is highly sensitive to outside intervention, including over commercialisation. The ICOMOS Cultural Tourism Charter recognises the importance of protecting intangible cultural heritage in tourism planning and management, and the rights of the community to maintain its heritage and cultural practices and to participate in the governance of heritage used in tourism.

Communities are at the heart of and the experts on the cultural practices, expressions, knowledge and skills that are the foundation of intangible cultural heritage. The rights of communities to their heritage are paramount, and shaping rights-based approaches is a continuing focus for ICOMOS through its Buenos Aires Declaration (2018), which endorsed the UN Universal Declaration of Human Rights (1948). The 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, Article 31) points to the rights of Indigenous peoples to maintain, control, protect and develop their heritage and the intellectual property associated with that heritage. This Charter adopts a rights-based ~~approach~~ **approaches** in acknowledging that the rights of communities in relation to their intangible and tangible heritage are an essential part of contemporary heritage practice.

Certain intangible cultural heritage practices are incompatible with widely accepted frameworks for human rights and therefore with ICOMOS' 'Our Common Dignity' rights-based ~~approach~~ **approaches**. The Convention on Intangible Cultural Heritage deals with this area in Article 2.1 and Paragraph 73 of the Operational Directives for the Convention makes it clear that such practices are excluded from consideration under the terms of the Convention. In dealing with such issues it should be made clear to communities why practices are incompatible with accepted rights and that human rights should take precedence. Where possible and appropriate, adaptations and changes to such practices that allow for positive continuity may be sought.

The safeguarding of intangible cultural heritage relies on these practices being communicated across generations. A difficulty in managing sites with intangible cultural heritage in contemporary practice may be the different interpretations of this heritage across generations. The contributions of all generations are important in conserving intangible cultural heritage and the passing down of the knowledge and experience of older generations is vital to sustain a community's intangible cultural heritage.

The diminution of the status of traditional skills and knowledge across all intangible cultural heritage aspects and the steady decrease in the number of practitioners since the advent of the industrial age constitute an ongoing and accelerating global trend. This threatens the ability to conserve many sites, diminishing their authenticity through resultant and unavoidable changes to the processes of care and management. The loss of traditional crafts, art and construction skills, for example, undermines identity and results in the loss of vital knowledge. Transmission, training and revival are important to reversing such trends and ensuring ongoing value.

5. PRINCIPLES

The principles set out below provide a framework and guidance for ensuring best practice in the treatment of sites regarding their intangible cultural heritage:

Principle 1: Community Custodianship:

Communities are the custodian(s) of their heritage and have the right to control knowledge related to the use of and access to that heritage and who represents them.

Communities are the primary source of information about their intangible cultural heritage and are responsible for the safe-keeping and transmission of knowledge, skills, objects and sites involved in their cultural practices and beliefs.

Communities have customary rights to and responsibilities for their intangible cultural heritage. Custodians may have legal rights under international and national agreements, jurisdictional legislation, local protocols, and other defined rights and responsibilities. In some communities, key groups or individuals are identified by those communities as the particular custodian or custodians of objects, sites, practices or memories.

The rights of particular groups/communities or individuals, and their free, prior and informed consent must be respected.

Intangible cultural heritage is dynamic, and community values, significance, and practices change over time.

Emergence of new practices and significance as a result of change or other stimulants does not necessarily influence the way a community perceives the value of that practice and the connection to their heritage.

Intangible cultural heritage may still connect a community to a site even if the community is located elsewhere and retains a continuing association with the site.

Transmission of knowledge, skills and practices, through formal or informal systems of learning, is critical to the survival of intangible cultural heritage and the conservation of many sites. It is vital to the survival of craft skills, vernacular architecture and traditional art forms. Where necessary, revival of dormant practices may be needed.

Principle 2: Site:

A site, its location and setting may be integral to the existence, observation and continuing practice of intangible cultural heritage.

Respect for the sacred, spiritual and symbolic links to a site is paramount;

Understanding of the role the site can play in fostering community cohesion and the recognition of the ability of sites to improve the economic situation of a community are both important.

The context and the way that the intangible cultural heritage and community associations with a site are determined and defined may depend upon local, national and regional perspectives, including issues that are current within a society or community.

The intangible cultural heritage of and community associations with a site may be of ancient or contemporary origin and the age of or duration is not the primary consideration.

Sites may provide the resources necessary for cultural practices, rituals, performance and traditional crafts. Such resources may be natural or may be cultivated, harvested, mined or extracted in other ways. Safeguarding and protection of resources and resource sites may be critical to sustaining practice.

Memories are an important association with sites. Such memories may be those of communities that are or were the occupants of a place of memory or those involved in events that occurred there, or who commemorate such events.

Mitigation of adverse change is an important aspect of the management of sites and intangible heritage. Consideration of the impacts of such changes should occur in consultation with the associated community.

Public spaces may be important to the continuing practice of intangible cultural heritage for many communities as part of their continuing practices or for commemoration and, where they are shared spaces, it may be necessary to develop strategies and programmes for access.

Tourist interventions that influence a site may have an adverse impact on the associated intangible cultural heritage. The safeguarding of intangible cultural heritage should take precedence over tourism related activities.

Principle 3: The Role of Heritage Professionals:

The community is the primary holder of expertise on intangible cultural heritage. The role of the heritage professional in relation to the community is to support, facilitate, assist and advocate, within the parameters of the framework in which both are working and in a manner that is respectful and uses a rights-based approaches.

In the context of intangible cultural heritage, experts may come from the community, craftspeople or custodians, rather than the heritage profession/s. Intangible cultural heritage it is often not self-evident and may be difficult for an outsider to identify or express.

Partnerships between government, heritage organisations, heritage professionals and the communities concerned should be designed to benefit those communities and sustain the viability of their intangible cultural heritage.

Intangible cultural heritage is an integral part of heritage conservation practice and standards. There is an obligation on heritage professionals from all fields of heritage practice to ascertain whether sites on which they are working have intangible cultural heritage and to ensure that heritage professionals with the appropriate expertise and experience lead or assist as necessary.

Traditional knowledge systems and skills should be respected. Knowledge holders, craftspersons and other traditional practitioners should be supported in the exercise of their skills and application of their knowledge.

Where a practice has become dormant, or traditional knowledge is lost, a community may choose to revive it and may seek assistance to do so.

Section II: GUIDELINES

6. GUIDANCE FOR PROFESSIONAL PRACTICE

In implementing the principles listed above, essential actions for the safeguarding of intangible cultural heritage — its identification, protection, management, interpretation, sharing, transmission, and the celebration of its presences in sites — is part of the practice of a responsible heritage professional.

6.1 Essential aspects of heritage practice

- 6.1.1 All aspects of heritage significance shall be considered without unwarranted emphasis on any one value at the expense of others.
- 6.1.2 Evolution and adaptation are natural aspects of intangible cultural heritage. The community should be the determinants of what change is acceptable and how and when it might occur.
- 6.1.3 The ICOMOS Ethical Statement (2020) emphasises that heritage professionals have important responsibilities regarding intangible cultural heritage, communities, transmission of heritage, co-existence, sustainability, risk to heritage, access to heritage, professional training and the application of the doctrinal texts of ICOMOS (including charters).
- 6.1.4 Recognition of the inherent authority of custodians who are rightsholders, as owners of their intangible cultural heritage through cultural and intellectual property rights, to speak and act for their culture and heritage.
- 6.1.5 The community is the best judge of authenticity and integrity in the context of sites with intangible cultural heritage and its adaptation and evolving nature, recognising that 'the respect due to all

cultures requires that heritage properties must be considered and judged within the cultural contexts to which they belong'.¹

6.1.6 When partnering with communities on the intangible cultural heritage of a site, heritage professionals should:

- take a rights-based ~~approach~~ approaches;
 - respect the community's cultural protocols (including protocols on sharing of privileged, private or protected knowledge) and contexts;
 - ensure the community's free, prior, sustained and informed consent;
 - apply heritage conservation frameworks that contribute to the continuity of intangible cultural heritage in sites; and
 - assist the community to assert its rights over its intangible cultural heritage, including traditional knowledge, practices and access to sites and natural resources.
- facilitate dialogue between communities, external experts and authorities.

6.2 Management, protection and safeguarding of sites

6.2.1 Intangible cultural heritage should always be identified, safeguarded and documented.

6.2.2 The community shall be fully involved in the identification, protection, safeguarding, documentation and management of sites with intangible cultural heritage.

6.2.3 Heritage shall be managed, protected and safeguarded as a whole — tangible and intangible — including site, object, practice, artisanship, meaning, spirit and the connections between them.

6.2.4 Statutory heritage measures and management systems should include intangible cultural heritage and provide mechanisms for traditional protection and management of sites and the participation of community in their formulation.

6.2.5 Relevant heritage authorities should ensure that statutory protection, safeguarding and management systems supplement and support traditional protection and management systems rather than replacing them.

6.2.6 Heritage and environmental impact assessments, management plans, and management systems and policies must ensure inclusion of the community and consideration of intangible cultural heritage.²

6.2.7 Heritage authorities, as part of their role and responsibility, should observe and report on the state and well-being of intangible cultural heritage, in collaboration with the relevant communities.

6.2.8 The state of conservation of a site may or may not reflect the condition of associated intangible cultural heritage: for example, a site may be in a satisfactory physical condition, but the intangible aspects may be depleted or under threat or vice versa.

6.2.9 Traditional knowledge and traditional management systems are an essential foundation for the development of conservation approaches for sites with intangible cultural heritage. Safeguarding them is a fundamental aspect of management.

6.2.10 Positive and appropriate assistance should be initiated to safeguard intangible cultural heritage that is under threat.

¹¹ Nara Declaration (1994), Sec 1.

² The UNESCO-ICCROM-ICOMOS-IUCN Guidance and Toolkit for Impact Assessments in a World Heritage Context has general applicability regarding the role of communities.

- 6.2.11 If a community seeks external expertise for the identification, assessment, conservation and management of intangible cultural heritage, those assisting should be approved by the community; may include members of the community; and must include expertise in intangible cultural heritage.

6.3 Documentation and Records

- 6.3.1 Identification, documentation and recording of heritage sites are important aspects of the work of heritage professionals and should be conducted with sensitivity in relation to sites with intangible cultural heritage.
- 6.3.2 Recording and documentation and the sharing or dissemination of such records of intangible cultural heritage require the free, prior and informed consent (FPIC) of the custodial community, group or individuals (as appropriate) prior to any recording or documentation being undertaken. The community should have the authority to control any records that are generated, how they are retained for posterity and/or made available to future generations.
- 6.3.3 Oral traditions and belief systems are an important aspect of intangible cultural heritage and provide context. Oral history and testimony should therefore be part of the documentation process and are preferably recorded in the language of the community.
- 6.3.4 Digitisation of documentation can assist a community, in particular the younger and future generations, to connect with and access their intangible cultural heritage.

6.4 Sharing and transmission

- 6.4.1 When sharing information with others, including within communities, it is important to raise awareness of the sensitivities and ethical issues regarding intangible cultural heritage within and across a community. Respect for the confidentiality of intangible cultural heritage must be maintained and the risks of disclosure understood.
- 6.4.2 Increased access to, respect for and appreciation of intangible cultural heritage by the younger generation should be encouraged, through transmission by their community elders and through education.
- 6.4.3 Specific support is needed to ensure the transmission of knowledge and skills associated with traditional crafts, vernacular construction, land and water management and other traditional activities for sites where intangible cultural heritage practices are essential for their conservation. Support may also be needed for communities to record and archive their methods of transmission.
- 6.4.4 Training is an important way to ensure the transmission of intangible cultural heritage and, in particular, traditional knowledge. While training is best undertaken in a traditional context, formal training is also important.
- 6.4.5 Revival of intangible cultural heritage occurs in various ways. It may be initiated through:
- use of elders who still carry traditional knowledge that has not been passed on;
 - study of historical and contemporary records and documentation;
 - adoption of similar practices from related cultures;
 - learning from others, in particular traditional craftspeople and artists who carry similar knowledge; or
 - a combination of these methods.
- 6.4.6 If a community wishes to adopt the practices or knowledge of a similar or related culture, this should be encouraged where it strengthens community identity and assists it to manage its tangible heritage. The agreement of the community from which intangible cultural heritage is 'borrowed' should always be obtained in advance.

- 6.4.7 Statutory heritage measures and management should foster or support transmission of knowledge of intangible cultural heritage to younger generations.

6.5 Presentation and interpretation

- 6.5.1 The significance of a site should be communicated to the general public in ways that do not compromise the intangible cultural heritage. In doing so, the coexistence of multiple narratives connected to a site and its varied intangible cultural heritage shall be acknowledged.
- 6.5.2 The potential effects of a tourist intervention on a community and its intangible cultural heritage should be assessed before promoting a site as a tourist attraction, and the protection and safeguarding of intangible cultural heritage practices should be ensured.
- 6.5.3 Where a site associated with a community's intangible cultural heritage is to be presented to the public, the community should be involved in the protection and maintenance of its intangible cultural heritage practices and should be part of the governance of these practices.

6.6 Managing change and conflict

- 6.6.1 Communities should be supported and assisted, based on their free, prior and informed consent:
- to mitigate external or internal threats of rapid and/or inappropriate change that is driven by conflict, globalisation, development pressure, tourism, climate change and commodification.
 - to sustain the relevance of intangible cultural heritage to their spiritual and social cohesion and economic viability.
 - to identify and document change in intangible cultural heritage, so that the causes and speed of evolutionary processes can be monitored, analysed and reviewed, and responses formulated.
 - in emergencies and post-trauma recovery processes related to sites with intangible cultural heritage, such as those caused by disasters and conflict, and according to current ICOMOS guidance on risk management and mitigation.
- 6.6.2 Where more than one community has intangible cultural heritage that connects it with a site, the co-existence of these associations should be recognised and respected. This may be the case where a community has moved or migrated and shares public spaces with other cultural groups.
- 6.6.3 In situations where heritage spaces are contested and disputes arise, it is important to ensure that parties to the dispute are aware of one another's perspectives. Where change is required, the reasons for making the change should be made clear to all involved.
- 6.6.4 It should be ensured that knowledge holders, craftspersons and other traditional practitioners are able work in an authentic way without unnecessarily subverting their knowledge in order to comply with contemporary standards, or the assumption that science takes precedence.

6.7 Knowledge holders, craftspeople and other traditional practitioners

- 6.7.1 Traditional knowledge, craft and other skills and techniques in the conservation or ongoing protection and safeguarding of a site should be given preference over contemporary conservation, construction and/or maintenance methods.
- 6.7.2 When compliance with building, safety, health, environmental and other codes and standards requires adaptation of a traditional methodology, prior consultation with the craftsperson and other knowledge holders is required.
- 6.7.3 Conflict or contradictions arising from differences between traditional and contemporary methodologies should be handled sensitively, recognising that the traditional practices form part of the intangible cultural heritage to be conserved.
- 6.7.4 Necessary changes to traditional practice should be handled sensitively and with a view to retaining and incorporating traditional methodologies and practice to the fullest extent possible.
- 6.7.5 It is not the responsibility of a craftsperson or other holder of traditional knowledge to verify compliance of their practices with codes and other contemporary standards of practice.

6.8 Professional Training and Skills Development

- 6.8.1 Professionals in the field of ICH should be appropriately qualified and experienced. (The provisions of the ICOMOS Ethical Statement requires that members have adequate knowledge of the field in which one is working, appropriate qualifications, recognise the multidisciplinary nature of heritage practice and apply reasonable skill, care and diligence in their work.)
- 6.8.2 Basic academic conservation programmes should include a component on intangible cultural heritage.
- 6.8.3 In order to develop professional skills in intangible cultural heritage practice, in the field training and experience is essential.
- 6.8.4 Heritage professionals should maintain and regularly update their skills in order to ensure best standards of current practice.
- 6.8.5 The knowledge of craftspeople and those involved with vernacular heritage, and the manner in which their skills are transmitted from generation to generation, should be respected by heritage and other professionals.
- 6.8.6 Sharing of knowledge between communities and custodians with heritage professionals is mutually beneficial and should be encouraged.

6.9 National and Regional Guidance

Given that contexts, associations and emphases in intangible cultural heritage vary from nation to nation and by region, development of national or regional guidelines is encouraged if the intention is to focus more clearly on perspectives or specific issues that are important to or current in society.

Section III: ANCILLARIES

~~The Charter builds on the draft ICICH Teomaneng Declaration, which was first outlined in Kimberley, South Africa, in 2007, and developed further by members and other stakeholders until 2011. The Teomaneng Declaration itself was based on the earlier Kimberley Declaration (2003), which was drafted at an international meeting held in South Africa in October 2003 and accepted in that month by the 14th ICOMOS General Assembly at Victoria Falls, Zimbabwe. The final draft of this Charter was developed during a workshop held in AlUla, Saudi Arabia in September-October 2023.~~

~~76~~ ACKNOWLEDGEMENTS

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87 GLOSSARY

Authenticity

A concept first formally established in the Operational Guidelines for the Implementation of the World Heritage Convention, it was expanded upon in the ICOMOS [NARA/Nara](#) document on authenticity (1994), which defines it as follows:

“Authenticity: depending on the nature of the cultural heritage, and its cultural context, authenticity judgements may be linked to the worth of a great variety of sources of information. Aspects of the sources may include form and design, materials and substance, use and function, traditions and techniques, location and setting, and spirit and feeling, and other external aspects of information sources. The use of these sources permits elaboration of the specific artistic, historic, social and scientific dimensions of the cultural heritage being examined.”

In the context of this Charter, the terms “[techniques](#)”, “[traditions](#)”, “spirit”, “feeling” and “external aspects” are understood to be inclusive of the intangible cultural heritage associated with sites.

Communities

The term “communities” includes all groups of people, and where applicable, individuals and custodians who have a direct connection to a heritage site. Communities include local, migrant, settler and host communities, [indigenous/Indigenous communities](#), first nations and traditional peoples, gender groups and generational cohorts and those who live or work in a site and hold associations with it. Such communities may be locally-based or distant, singular, multiple or even transnational and yet have a safeguarding, custodial, or other interest in the site.

Conservation:

All the processes of looking after a place so as to retain its cultural significance. (Australia ICOMOS Burra Charter 2013.)

Cultural and intellectual property rights:

The cultural and intellectual property rights of custodians are the rights that those custodians have to their cultural heritage and includes traditional knowledge, traditional cultural expression, cultural objects, secret and sacred material as well as documentation of cultural heritage in all forms of media such as films, photographs, artistic works, books, reports, records taken by others, sound recordings and digital databases.

Custodian

Custodians are individuals or groups within a community who have specific relationships with and responsibilities towards intangible cultural heritage, its practice, protection and continuity or who through association with a site have or have assumed responsibility for the care and/or protection of a site.

Custodians may be [rightsholder/rightsholders](#), that is, people with ‘socially endowed, legal or customary rights with respect to heritage resources’. ([Enhancing Our Heritage Toolkit 2.0 – https://whc.unesco.org/en/eoh20/](https://whc.unesco.org/en/eoh20/)).

Ethics

In the context of this Charter, the principles set out in the ICOMOS Ethical Statement (2020) and the ICH Convention Ethical Principles for Safeguarding Intangible Cultural Heritage (2015), including revisions and amendments to, or replacement of those documents over the course of the lifespan of this Charter, apply.

Free, prior and informed consent (FPIC)

The following definitions are taken from Free Prior and Informed Consent, An [indigenous/Indigenous](#) peoples’ right and a good practice for local communities Manual for Practitioners, UN Food and Agricultural Organisation (2016), pp15-16

<https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/> (consulted on 8 Oct 2023)

‘Free’ refers to a consent given voluntarily and without coercion, intimidation or manipulation. It also refers to a process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed.

‘Prior’ means that consent is sought sufficiently in advance of any authorization or commencement of activities, at the early stages of a development or investment plan, and not only when the need arises to obtain approval from the community.

'Informed' refers mainly to the nature of the engagement and type of information that should be provided prior to seeking consent and also as part of the ongoing consent process.

'Consent' refers to the collective decision made by the rights-holders and reached through the customary decision-making processes of the affected Indigenous Peoples or communities. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community. Indigenous peoples and local communities must be able to participate through their own freely chosen representatives, while ensuring the participation of youth, women, the elderly and persons with disabilities as much as possible.

The Operational Guidelines for the Implementation of the World Heritage Convention provides guidance on FPIC in clauses 64 and 123. Some countries include FPIC in heritage laws and regulations.

Heritage authority

A government agency in any branch or level of government that has the power to make decisions concerning heritage matters.

Intangible cultural heritage

In this Charter, intangible cultural heritage (ICH) means the diversity of traditional and customary practices, cultural responsibilities, representations, rituals and ceremonies, oral traditions and expressions, knowledge, knowledge systems and skills that a community, or, in some cases, individuals have created and sustain as part of their heritage and which are associated with a site. Intangible cultural heritage includes all of the aspects thereof covered in the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.

Prior to the 2003 Convention, terms such as "living heritage", "folklore", "traditional practices and handicrafts", "belief systems", "traditional knowledge" and similar terms were used to describe all or part of what is now understood to be intangible cultural heritage. These terms are still in use in some countries, particularly in legislation and regulations.

Place

See "Site".

Places of memory

A site associated with the memories, commemoration and remembrance by a community that is linked to events and experiences that are associated with that site and without regard to its physical state and how it may have changed over the course of time.

Protection:

All of the processes of caring for a site including, physical maintenance and conservation and legal or traditional forms of protection. (See also 'Safeguarding'.)

Revival

The process of regeneration or bringing back to a healthy state an aspect of intangible cultural heritage that has either ceased to exist or is close to such a state. In the sense used in this Charter it also includes 'renewal' and 'revitalisation'.

Rights-based ~~approach~~ approaches

This concept covers a multitude of issues relating to best practice approaches to rights issues in heritage, including individual, community, gender, migration, minority, disability and other rights issues. See the "ICOMOS Our Common Dignity – Rights-Based Approaches" webpage for wider discussion, understanding and access to publications on a wide range of rights related matters in heritage, at time of drafting (13 March 2024) located at: <https://www.icomos.org/en/focus/our-common-dignity-initiative-rights-based-approach>

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 revitalisation of the various aspects of such heritage

(UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), Article 2 – Definitions).
(See also ‘Protection’)

Site (Place or Space)

In different countries, regions and internationally, a variety of terms are used to define the physical or tangible heritage and the relationship between tangible and intangible cultural heritage. In this Charter, the term “site” is used to encompass the meanings given to a cultural or natural “site” in the World Heritage Convention and “space” in the Intangible Cultural Heritage Convention, and associated guidelines and directives.

Sites may be cultural, natural or both, and each of these terms is taken to include elements, objects, use, memories, settings, views, sensory and other experiences.

Examples of sites with intangible cultural heritage may include monuments, buildings, landscapes, public spaces, meeting places, seas, lakes, ponds or rivers, urban areas and towns, cultural routes, spiritual sites and places of memory.

Space

See “Site”

Sustainable Development Goals

There are 17 United Nations Strategic Development Goals adopted by the UN General Assembly Resolution 70/1 Transforming our world: the 2030 Agenda for Sustainable Development, on 25 September 2015.

See also the work of the ICOMOS Sustainable Development Goals Working Group at time of drafting (8 Oct 2023) located at “Cultural Heritage and Sustainable Development” <https://www.icomos.org/en/focus/un-sustainable-development-goals>.

Traditional arts

Includes all forms of traditional artistic expression such as music, dance, clothing, handicrafts, food preparation, etc.

Traditional knowledge

Traditional forms of knowledge – traditional ecological knowledge (TEK) and traditional cultural expressions (TCEs) – are forms of ‘knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity’.

(Source: [World Intellectual Property Organisation, WIPO: Traditional Knowledge](https://www.wipo.int/tk/en/tk/), accessed <<https://www.wipo.int/tk/en/tk/>> on 20 Oct 2023.)

Traditional knowledge is typically held within communities and is generally not protected by conventional intellectual property (IP) laws. Traditional knowledge and its various cultural expressions are part of intangible cultural heritage.

98 ANTECEDENTS

The Charter and Guidance builds on the draft ICICH Teemaneng Declaration, which was 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 earlier Kimberley Declaration (2003), which was drafted at an international meeting held in South Africa in October 2003 and accepted in that month by the 14th ICOMOS General Assembly at Victoria Falls, Zimbabwe. The final draft of this Charter and Guidance was developed during a workshop held in AIUla, Saudi Arabia in September–October 2023.

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~~(Source: World Intellectual Property Organisation, WIPO: Traditional Knowledge, accessed <<https://www.wipo.int/tk/en/tk/>> on 20 Oct 2023.)~~

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