

Meeting Overview

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1. Introduction

The Asia/Pacific Cultural Centre for UNESCO (ACCU), Japan, and the Office of the National Culture Commission (ONCC), Ministry of Culture, Thailand, jointly organised the Sub-Regional Experts Meeting in Asia on Intangible Cultural Heritage: Safeguarding and Inventory-making Methodologies, in cooperation with UNESCO and Bunkacho (Agency for Cultural Affairs, Japan).

A total of 36 participants from thirteen countries listed below, three Resource Persons, a UNESCO representative, a WIPO representative, and six foreign and 57 local observers attended the Meeting.

Brunei Darussalam, Cambodia, China, India, Indonesia, Japan, Republic of Korea, Lao PDR, Malaysia, Myanmar, Philippines, Thailand and Viet Nam.

Full list of the participants is given in ANNEX.

This Meeting was also organised as a part of the programmes of “2005 Professionals in the Field of UNESCO’s Competence” category within the frame work of “the ACCU International Exchange Programme under the UNESCO/Japan Funds-in-Trust for the Promotion of International Cooperation and Mutual Understanding.”

2. Background

This international cooperative initiative was arranged as the sub-regional workshop to promote and support the UNESCO Universal Declaration on Cultural Diversity and the Convention for the Safeguarding of the Intangible Cultural Heritage. Also, the meeting was a follow-up to the ACCU 2004 Workshop on Inventory-Making for Intangible Cultural Heritage Management, held in December 2004 in Tokyo, Japan.

Based on the Convention, adopted in 2003, this Expert Meeting focused on sharing good proven methods of safeguarding Intangible Cultural Heritage (ICH) and of making inventories of ICH items in a country or a community. The theme was chosen in order to set up a forum for cultural experts in Asian countries to mutually exchange and learn about the significance and situation regarding the safeguarding intangible cultural heritage, as well as about inventory-making methodologies for developing practical ways to manage and safeguard ICH in each country and community.

3. Objectives

- (1) To raise awareness as to the importance of respecting and safeguarding various forms of intangible cultural heritage, which is a manifestation of cultural diversity.
- (2) To provide an opportunity for sharing experiences of various stakeholders in different countries and discussing about methodologies and systematic compilation of information on intangible cultural heritage; and
- (3) To build up a regional network among participating countries, ACCU and ONCC for future active cooperation.

4. Proceedings

DAY 1: (Tuesday, 13 December)

Chairpersons: M.R. (Mon Ratchabong) Chakrarot Chitrabongs (Siam Society)
Ms. Noriko Aikawa (UNESCO)

Rapporteur: Mr. Sipiriano Nemani (Resource Person)

Opening Session

The co-chairperson and current President of Siam Society briefed participants on general proceedings of meeting. Introduction of participants from the thirteen countries followed.

Ms. Prisna Pongtadsirikul, the Secretary-General of ONCC, delivered her welcoming speech outlining her organizations appreciation of ACCU's cooperation in organizing the meeting. Explained the background, objectives and expected outcome of the conference. She also highlighted that the theme chosen and the meeting, especially, would create a forum for cultural experts from different countries to share and learn from each delegation's experiences. Besides, the Day 4 field trip to Ampawa District in Samut-Songkram would exhibit government/state intervention on the promulgation and safeguarding of Thai History.

Director-General of ACCU, Mr. Nakanishi Koji, also gave his welcoming remarks to all delegates. He particularly stressed the ideals of the Masterpieces programme emphasizing the urgent need to promote the transmission of ICH elements, especially with the increasing threats of disappearance such as modernization and societal changes on the national, regional and international level. Priority must be given to community consultation. Consequently ACCU has undertaken many educational and cultural initiatives in the promotion and safeguarding of ICH, including the December 2004, Inventory making workshop in Tokyo, Japan.

Ms. Noriko Aikawa, Co-chairperson, briefly welcomed participants with the thoughts and words of Claude Levi-Strauss, a well-known French Anthropologist, at a milestone gathering for UNESCO. She congratulated all Asian countries that have ratified the 2003 Convention on ICH and urge other countries to follow suit. However, it is important to establish the necessary implementing procedure such as inventory/ies, as outlined in Articles 11 & 12 of the Convention. Besides, she wished all delegates a success during the three day deliberations.

Mr. Iwahashi Akihiko, the Director-General of Cultural Properties Department, Bunkacho (Agency for Cultural Affairs), Japan highlighted the evolving nature of ICH due to modernization. He also raised the importance for inventorying, transmission, and protection of elements of ICH. Protection/Safeguarding denotes the provision of subsidies to endure transmission. He hoped that the meeting will evoke discussions and an avenue for exploring different experiences in inventory-making which will ultimately lead to a common Asia-Pacific model.

Ms. Ohnuki Misako, ACCU introduced the resource persons, ACCU and ONCC staff members. She gave a brief introduction of meeting reminiscing the December 2004, Tokyo Meeting on Inventory-making, organized by ACCU. She also stressed that tradition-bearers need to be involved and participate effectively in discussions and meetings so that a good outcome is achieved. Furthermore, she offers ACCU's assistance for any country interested in organizing a similar meeting in future.

ACCU Presentation

After a tea break and group-photo-taking, Ms. Ohnuki (ACCU) showcased the purpose and activities of ACCU in the region, focusing prominently on ICH. Also included were some retrospective challenges to ACCU in the field of ICH. She further stressed the issues raised in the "Recommended Approach to Inventory-Making and some examples of Inventory-making programmes and Methodologies" in Tokyo, Japan, and that the model drawn was 'idealistic'. She urged for a realistic approach and networking amongst stakeholders.

Chairperson (UNESCO) welcomed a consolidation of questions from the floor on the ACCU presentation prior to a formal answer from the former.

Dr. Gupta (India) asked how the rights and ownership of tradition-bearers are ensured when it becomes public domain. What can be done with traditional laws which often view ICH differently? Should we also make an inventory of secret/sacred ICH materials?

Mr. Venu (India) enquired about the transmission of ICH. Who should inherit the ICH?

Mr. Somsak (observer from Thailand) posed the question of societies with diverse cultures and how property rights can be applied to community ownership.

Dr. Yingyong (Resource Person) raised the question: whom are the safeguarding measures and rights for?

Dr. Kwancheewan (Thailand) enquired about the role of ACCU and inventory-making and the type of support they provide.

Ms. Ohnuki (ACCU) suggested that the WIPO representative Mr. Wendland is in the best position to answer the first four questions. However, she reiterated that ACCU is an independent, non-profit organization that encourages networking amongst regions and sub-regions through training and workshops such as the current sub-regional meeting, the first of its kind on inventory-making held outside Japan, and would be expecting another one. However, for technical support, ACCU intends to send more international experts for training provisions for those who need assistance.

Mr. Wendland (WIPO) indicated that the questions raised highlighted the tension between ICH and Intellectual Property (IP). He indicated how an inventory can be used to protect the rights of tradition-bearers. These will be highlighted in his presentation.

UNESCO Presentation

Ms. Aikawa gave a background on the 2003 Convention, purpose of the Convention, and provided a detailed explanation of aspects of the Convention including the definition, characteristics and conceptualization of ICH; roles of state parties, and; safeguarding measures that need to be implemented. She also touched upon the 3rd Proclamation of the Masterpieces, especially those proclaimed pieces originating from Asia. Moreover, a video of the *Keris* (a proclaimed Masterpiece from Indonesia) was shown to depict the distinctiveness of the weapon (Keris) that is used to unite cultural communities groups in Indonesia and neighboring countries.

Mr. Gopal Venu (India) enquired about the UNESCO's criteria in the selection and Proclamation of Masterpieces shared between two or more countries.

An observer (Thailand) requested information regarding the procedure: selection, permission and consultation of a masterpiece.

Ms. Aikawa (UNESCO) indicated that during the selection of a masterpiece particular attention would be paid to the particular significance and function of the ICH in a community. Moreover, similar ICH among communities might serve different functions in each community. For instance, the Keris culture in Indonesia might differ from that in Malaysia and Thailand.

Ms. Mar (Resource persons) indicated that the Convention celebrates diversity and non-hierarchy of ICH in communities. However, this seems to contradict the hierarchical nature and selection practice of masterpieces.

WIPO Presentation

Mr. Wendland (WIPO) highlighted inventory-making for ICH which can be structured to meet Intellectual Property requirements. He noted that IP questions arise at every stage, concerning issues such as IP rights, the role of inventorying ICH, and inventorying ICH in relation to *sui generis* measures. To answer these

questions, information on how the inventorying took place, by whom it was undertaken, and which specific elements of ICH being inventoried should be taken into account. He finally introduced IP advice, guidelines, and resources for cultural institutions.

MR Chakrabort (Chairperson) adjourned proceedings for tea and question and answer session regarding Mr. Wendland's presentation to follow.

Discussion

Mr. Gupta (India) remarked that inventorying is an essential step; however, he enquired if UNESCO has plans to inaugurate guidelines for inventory-making projects which provide safeguarding at a technical and legal level. He also commented that it might be difficult to establish copyright for ICH if ICH was viewed as heritage for all human beings and accessible to everyone.

Dr. Yingyong (Resource Person) indicated that Thailand does not have legal protection for misappropriation of cultural aspects.

Ms. Ricafort (Philippines) requested if Ms. Aikawa could divulge on the ICH as its transmission through informal channels.

Dr. Somsak (Observer, Thailand) enquired about benefit sharing from property rights between the commercial inventors and the indigenous/local community; the role of WIPO in future, (act as a global policeman), whether it is compulsory for countries to be members of WIPO/UNESCO or can maintain an independence from these organizations. Moreover, what would happen to non-WIPO member countries; whether these countries would be still be protected? If yes, will these countries be able to collectively register shared cultural elements?

Ms. Amir (Malaysia) asked if there is a certain timeframe to determine if an ICH is a heritage, especially if it is evolving, and continually re-created.

Mr. Wendland (WIPO) indicated that the concept of celebrating cultural diversity and the opening up of access to cultures might work against indigenous people's interest. People might have their own customary laws. WIPO aimed at providing "soft protection." He added that there was no one-size-fits-all answer, we all needed to work out proper measure for each case. He also stated that 50 years of copyright was appropriate and if the cultural expressions moved out of the community, was practiced elsewhere, or if the community became extinct or was integrated, the cultural expressions (a category of ICH) would be protected. As for the question on how to make sure the beneficiary actually receives benefit, WIPO's duty was to provide community with the right to exercise the ICH copyright, but the governmental agency helped the community to exercise right by organizing an effective internal structure for law enforcement. WIPO was to assist in facilitating the setting of an international standard.

Ms. Aikawa responded to Mr. Gupta's inquiry by outlining that the intergovernmental committee will create a standard guideline and not the secretariat. The secretariat acts on the advice of the committee. Besides, the term informal education was used in accordance with the text of the convention. Moreover, informal education is important for the preservation and protection of traditional cultural expressions.

Ms. Ohnuki (ACCU) requested Mr. Wendland to briefly explain major differences between the 1982 WIPO-UNESCO Model Provision and the draft provision currently being prepared by WIPO.

Mr. Wendland (WIPO) answered that the scope and definition of the subject matter are different, direct rights for indigenous and local communities, period of protection given, non-exclusive and exclusive rights, registration options and many more.

Ms. Aikawa (UNESCO) enquired on the list of countries that have applied for this model provisions.

Mr. Wendland (WIPO) replied that between 30-40 countries have included the *sui generis* provisions in their copyright legislations. Some countries, although they have passed these laws, the communities have yet to exercise the rights or the latter be fully implemented.

Ms. Ligaya (Philippines) asked if the protection covers the cultural expressions practiced and transmitted outside the source communities.

Ms. Aikawa (UNESCO) commented that as far as the Convention is concerned, ICH practiced outside the community of origin is covered.

Mr. Wendland (WIPO) confirmed that there were cases where certain cultural expressions were practiced by immigrant communities. Besides, the *sui generis* rights cover the practices outside the community since they were practices as forms of cultural expressions.

Ms. Aikawa (UNESCO and Chairperson) ended the session by confirming some significant issues; for instance, copyright did not freeze creativity but provided protection, and inventory-making was a subject of and a complement to copyright. She emphasized the need for community-initiated guideline to launch the inventory project. Since the common ground between WIPO and UNESCO was expressed, more cooperation would be expected.

Day 2: (Wednesday, 14 December)

Chairpersons: AM: Dr. Dawnhee Yim (Rep. of Korea)

PM: Dr. Savitri Suwansathit

(former Secretary-General, Thai National Commission for UNESCO)

All Day: Mr. Sipiiriano Nemani (Resource Person)

Rapporteurs: Dr. Kanchana Ngourungsi, Mr. Kampee Noonkhan,
Dr. Sasitorn Chantharothai, Dr. Narat Sakontawut

Chairperson for the morning session Dr. Yim greeted everybody and set the time frame for each presentation..

Resource Person's Presentation 1: Dr. Yingyong Taoprasert

Dr. Yingyong's presentation was titled "The Bottom-up Process of Safeguarding and Inventory Making Methodologies for Intangible Cultural Heritage: An Experience in the Case of Traditional Medical Practices and Medicinal Herbal Usage." According to Dr. Yingyong, the inventory-making and the transmission of ICH (in this case, traditional medicine and medical practices) involved the following processes: revitalizing, selection and improvisation, renovation, and restoring back to daily life. He stated that safeguarding didn't just mean copyright but also included integrating the ICH into daily life. He also gave examples of employing traditional healing to cure both the body and the spirit of people. He championed the bottom-up inventory-making processes. The steps taken were in the following order: 1. initial survey; 2. workshop; 3. case study; 4. public experts revision and; 5. restoration of ICH to the community.

Photo on traditional healing methods and traditional medical school were shown.

Chairperson Dr. Yim invited comments and questions.

Ms. Chaweewan Prachuabmor (Thailand) asked if the traditional medicine training program had to follow national education standard, if traditional medical practice should be devoid of its original context because most of the traditional healers were "special" people in the eyes of the community, thus were endowed with credibility.

Daw Khin Hla Htay (Myanmar) asked if traditional medicine had quality control.

Mr. Sri Hastanto (Indonesia) asked if the spiritual healing aspect of the Thai (Buddhist) traditional medicine, which contained superstitious elements, offensive to the members of the religions (Christianity or Islam) that prohibited superstitious belief.

Dr. Yingyong answered that the training program complied to the academic requirement and curriculum standard of the Ministry of Education and that the requirement of Thai Traditional Council of Board was followed so that the trainees would be legitimate for a license to practice traditional medicine. As for the question on knowledge and context, traditionally, the healer was also the teacher of such practice. He said that in his training school, he also faced problem about the conflicts between the academic staff and the staff who were resource persons and he thought that the combination of the two would yield the ultimate outcome. Furthermore, he asserted that the quality control of traditional training program was strictly maintained since the school had to follow the regulations of Thailand's Food and Drug Association (an organization equivalent to the United States FDA).

Resource Person's Presentation 2: Mr. Sipiriano Nemani

Mr. Nemani made a presentation on "Inventory-Making: Fiji's initiative and experiences." The objectives of Fiji's making the inventory included the need to establish a framework of the purpose of identifying existing traditional knowledge, to establish a network of custodians of ICH for a living human treasure registry, to enforce the people to propose the legislation regarding traditional knowledge and cultural expression, to ensure the custodians that the ICH were properly recognized for non-commercial and commercial use of the ICH, and to improve the educational policy of the culture expressed by owner of the traditional knowledge.

Mr. Nemani also explained about the ICH selection criteria which had to gain prior consent of the custodians, the characteristics of ICH (communally owned or individually owned) and the amount of information to be given (secret and non-secret). He also suggested the involvement of the local community and custodians. He confirmed that for the evolvement of ICH, systematic work and collaboration with cultural institutions and human resources were very important for consideration.

Chairperson invited questions.

Dr. Gupta (India) inquired about the amount of budget granted by the government in inventory-making and the funding's time limit.

Mr. Sipiriano Nemani answered that the amount of the budget and time limit were not fixed, depending on case, and that mostly the time limit was three years.

After the tea break, Dr. Yim invited the participant from India, Dr. V.K. Gupta to give presentation.

Participant's Report: India (Dr. V.K. Gupta)

Dr. Gupta's topic of presentation was "Traditional Knowledge Digital Library (TKDL)." He explained that traditional knowledge digital library had an important function to associate and document, to deal with the problematic dimensions in the Indian scenario of misappropriation of disclosed traditional knowledge. He gave details of the strategies in using digital library system to prevent the abuse and misappropriation of traditional knowledge. He stated that TKDL could establish international standards on TK databases and be a model which resulted in the creation of several new technology; however, he said database assessment of TKDL needed to be regulated.

Chairperson Dr. Yim invited questions and comments

Ms. Pranee Sakulpipat (Observer, Thailand) asked how to identify ownership if the traditional knowledge was shared and practiced by more than one communities; for example, both Thailand and India used neem for medicinal purposes.

Dr. Gupta answered that he agreed with Ms. Sakulpipat in this issue: complete ownership was not easy to identify. He suggested that if we, the communities with similar knowledge, worked together, new knowledge would emerge and would be shared.

Resource Person's Presentation 3: Ms. Tara Mar

Ms. Mar's presentation was on "Inventory of Intangible Cultural Heritage of Cambodia Methods and Approaches." Ms. Mar was involved as a UNESCO consultant to conduct an ICH inventory-making project in Cambodia. Challenges encountered in the Cambodia's inventory-making were language translation between English and Khmer, politics of representation, and ICH documentation of oral ICH elements from memory because the transmission was done solely via word of mouth which was difficult to date the origin. Some advantages gained in this project were awareness raising and fund raising and the identification of endangered art form since the civil war. Some of the drawbacks were that only the English version was available, the specific audience for this inventory-making project was not clear, and the project was not followed through.

Moreover, she suggested that the next step of raising awareness in Cambodia were to expand the inventory-making, to revive endangered arts forms, and to train more researcher in ICH and Intellectual Property rights. Finally, she recommended that this inventory-making project was the first step and served as a strong foundation with potential to develop further documentation of ICH.

Ms. Yolanda Granda (Philippines) asked if it was possible to set boundary for cultural heritage because in most cases it crossed country's border.

Ms. Mar agreed that cultural heritage had no rigid boundary and that it was a challenge in inventory-making since more than one countries might claim ownership.

Before taking lunch break, Chairperson Dr. Yim asked Chairperson Mr. Nemani to give a summary of key concepts for the morning session.

Mr. Nemani stated that the key concepts included the consensus that ICH needed protection, that the inventory-making of ICH should include the use of diverse languages as a measure of projecting ICH.

Chairperson Dr. Yim added that we had shared concrete experiences from Thailand, India, Cambodia and we came to the conclusion that each country should have their own proper methodologies in inventory making. She stated that multiple guidelines were needed and that network of communities could get together to reach a compromise in developing guidelines.

During lunch time, Ms. Seon Kyung Park, a participant from the Republic of Korea, gave a demonstration on Korean Knots Craft.

At the beginning of the afternoon session, Chairperson Dr. Savitri invited participant from India, Mr. Gopal Venu, to give a presentation.

Participant's Report: India (Mr. Gopal Venu)

Mr. Venu gave a presentation on "Transmission and transformation of Intangible Cultural Heritage: My experience in the world of performing arts." Mr. Venu shared his experiences of the attempts to revitalise art forms that were on the verge of extinction such as the case of Sanskrit theatre, Kutiyattam, the oldest surviving theatre tradition in India, which was recognized by UNESCO as a Masterpiece of the Oral and Intangible Heritage of Humanity. He gave an overview of the characteristics and training of Kutiyattam. When attempting to revitalise, problems arose; that was, artists had no recognized certificate or degree to secure their jobs in institutions, and masters were willing to pass on their secrets of intangible knowledge to the most sincere, devout students only, not just anybody.

At the end of his presentation, Mr. Venu showed a DVD presentation on Kutiyattam.

Ms. Aikawa (UNESCO) asked Mr. Venu to discuss the negative impact of the Proclamation of Masterpiece program.

Mr. Venu answered that the first challenge was the criteria of masterpiece selection, how to identify a masterpiece. He also said that the impact of masterpiece proclamation (in case there was any objection) was not immediate since nobody was well-informed enough about the masterpiece. However, he appreciated UNESCO's proclamation of masterpiece.

Participant's Report: Brunei Darussalam

Brunei's first presentation was given by Dayangku Norazah binti Pengiran Haji Mohammad on "Government mechanism for safeguarding ICH." Ms. Norazah gave a list of government departments that were responsible for safeguarding intangible cultural heritage: Brunei Museum Department, Brunei History Center, Language and Literature Bureau, Radio Television Brunei, and University of Brunei Darussalam. She also explained about government mechanisms to safeguard ICH, which included (1) legal framework, (2) research framework, (3) seminars, workshops, and meeting of experts, (4) Publication and documentation, (5) Cultural performances, (6) exhibitions.

Brunei's second presentation was given by Ms. Masnah Binti Amit on "Community mechanism for safeguarding ICH: A Case Study for Brunei." Ms. Masnah explained that measures taken in promoting and protecting Brunei ICH included: (1) cultural enthusiasts who wrote up collection of oral traditions, organized cultural activities, and recorded ICH in CD, (2) cultural associations, who promoted cultural performances for public entertainment and tourism, and (3) government agency, who united cultural practitioners from 7 ethnic groups of Brunei and set up network for cultural enthusiasts. Ms. Masnah also talked about the role of the Ethnography Section, Brunei Museums Department in safeguarding Brunei ICH.

Brunei's third presentation was made by Dayang Hajah Ramlah binti Haji Abu Bakar on "Brunei Constitution Poem." She described the characteristics of *Syair*, one of the traditional Malay poems. She also mentioned about government steps and actions taken towards conservation of *Syair* as followed (1) collection and documentation of *Syair*, (2) workshop, contest show, and (3) individual contribution.

She also demonstrated singing of *Syair* poem.

Participant's Report: China

China's first presentation was made by Ms. Zhang Min on "The Government Mechanism for Safeguarding Intangible Cultural Heritage and Inventory-Making in China." She first explained about government's attempt to establish ICH safeguarding mechanism; for example, the compilation of the Ten Collections of the China Ethnic and Folk Arts, the Regulation on Safeguarding the Traditional Arts and Crafts, and the active involvement in projects implemented by UNESCO. She mentioned about systematic protection mechanism in China, which includes: (1) the government Project of Safeguarding Intangible Cultural Heritage, (2) the Proposal upon Promoting Intangible Cultural Heritage Protection, (3) a liaison meeting system among ministries for protecting ICH, (4) the compilation of the masterpieces of ICH at national, provincial, and county levels, (5) the Law on Ethnic and Folk Culture Protection of the People's Republic of China. Ms. Min concluded that these attempts were made in order to raise people's awareness of ICH. At the end of her presentation, she presented a DVD on Nanjin's traditional silk weaving (Nanjing Yunjin).

Since the time was running out for China's presentation, Mr. Chen Feilong, the next presenter from China, did not make a presentation on "The Method and the System for Safeguarding ICH in China." However, he informed the meeting that he wrote a chapter in a book about ICH which would be published next year.

Mr. Nemani (Resource Person) asked that in China, which party made the assessment of ICH masterpiece, the government or the expert.

Ms. Zhang answered that they had experts to assess the ICH and the government examined and gave comments before finalizing the result.

Mr. Nemani further asked that what would happen to the ICH items that were not included in the masterpiece list.

Ms. Zhang answered that it was impossible for the central government to give support to all ICH items since the number of ICH in China was enormous, and that local government and its people also had responsibility in ICH preservation. She added that the proclamation was done every two years and ICH items left out of the list could be resubmitted for reconsideration when some works on the improvement of each particular ICH item was done.

After tea break, chairperson Savitri invited participant from Indonesia to give a presentation.

Participant's Report: Indonesia

Dr. Sri Hastanto made a presentation on "Inventory of Intangible Cultural Heritage in Indonesia." Dr. Hastanto noted that it was difficult for Indonesian government to safeguard cultures because of the large number of diverse cultures in more than 17,000 islands. However, governments and private sectors still tried to safeguard cultures; for example, conducting cultural activities so that the activities could become the source of inventory and could serve in developing an ICH inventory system. Now they were in the process of collecting as much data as possible in forms of websites (dadta hub), books, brochures, multimedia CD.

Mr. Venu (India) asked the presenter to discuss the steps involved in the website and database inventory-making.

Dr. Sri Hastanto answered that first the training program for trainers in website and data base making was arranged, then techniques were showed during the training, next the participants in the training program would train other practitioners and the IT group would set up database and connect database to the website.

Ms. Aikawa (UNESCO) asked about the updating measure of the database, since article 12 of the 2003 Convention called for the updating of information of ICH.

Dr. Gupta (India) wanted to know if there was a plan to recruit new people to do the database collection of ICH inventory, since it was a giant task. He also emphasized that the ICH safeguarding would be incomplete until the practitioners implement ICH into their life.

Dr. Hastanto answered that they still had not gone into the updating stage due to a large number of data needed to be collected and that they still did not have a uniform format. He explained that the urgent need at the moment was to collect data, check the data's existence to prevent loss or leaving out of any items.

A participant from Vietnam asked Ms. Aikawa from UNESCO about any other criteria for the selection of ICH list and the how often UNESCO remake the list.

Ms. Aikawa answered that the intergovernmental committee would meet and discussed the criteria in June 2006, and that on 10 May 2006, General Assembly of the State Parties to the 2003 Convention would meet for the first time. She also urged countries that had not ratified the convention to ratify so that they could participate as committee members.

Participant's Report: Lao PDR

Lao PDR representative Mr. Souriyanh Sisaenggrat made presentation on "Conservation and preservation of the National Intangible Heritage: the Laotian answer to the urge for saving ICH" Mr. Souriyanh first introduced the law on the preservation of cultural, historical, and national heritage. He also explained the management of cultural heritage at four levels: (1) at the center level by the Ministry of Information and Culture, (2) at the provincial level by the Division of the Information and Culture, (3) at the district level by the District Information and Culture Office and Main City, (4) village authorities.

Participant's Report: Malaysia

Malaysia's first presentation was given by Ms. Ramlah Amir on "Government Mechanism for Safeguarding Intangible Heritage." Ms. Amir gave general background of Malaysia and presented mechanisms for safeguarding ICH, which included: (1) formation of heritage division, (2) formulation of the heritage act, (3) research, documentation, and publication, (4) formation of rules and regulations for the restoration and preservation of culture and the arts, (5) cultural and arts promotions, (6) capacity-building, (7) funding, (8) building of infrastructures, and (9) National Arts Awards program.

Malaysia's second presentation was given by Mr. Mohd Sukarno Abdul Wahab and it was on "Community Mechanism for Safeguarding Intangible Heritage." Mr. Wahab focused his presentation on the topic of arts education only. He briefly mentioned that arts education in Malaysia started from the pre-school level to the university level.

Participant's Report: Myanmar

Myanmar presentation was given by Daw Khin Hla Htay on "Community Mechanism for Safeguarding Intangible Heritage." She presented 6 components of Myanmar intangible culture: (1) customs and traditions, (2) religion and religious practices, (3) language and literature, (4) arts and artistic activities, (5) religious and seasonal festivals, (6) attires and costumes. She also explained about work program of Ministry of Culture and Myanmar Department of Fine Arts. The government policy's general principles about culture were to preserve the Myanmar's style of culture and the cultural work was to support the progress of the nation, besides the entertainment purposes.

Next, Daw Aye Aye Nwe made a presentation. She gave information on Myanmar community and social obligations, Myanmar community and festivals, the role of Myanmar Buddhist Monastery, social associations and their functions, and Myanmar writers and journalists association.

The last presentation from Myanmar was made by Dr. Kyaw Win on "Approaches to Inventory-Making Methodology." Dr. Win explained Myanmar ICH using Buddha's teachings called Mangala Sutta (the way to auspiciousness) as an example of ICH safeguarding measure and practice. He said Buddhist principles were incorporated in the community safeguarding system; for example, the five precepts of Buddhism which people were supposed to follow, the close connection of the people and monks as religious and secular teachers.

Chairperson Savitri invited Ms. Noriko Aikawa from UNESCO Headquarter to deliver a remark as she had to leave for Japan early.

Ms. Aikawa said farewell and expressed gratitude towards the ACCU, ONCC staff on behalf of UNESCO. She was glad to see progress in ICH safeguarding and she had learned a lot from the meeting. She also said consensus was shared in two aspects; first, guidelines in inventory-making needed to be provided, and second, IP right directly related to inventory-making and consultation from WIPO had to be sought after.

Participant's Report: Philippines

Ms. Maria Josefina R. Rocafort, representing the government, discussed the general "Government Mechanism for Safeguarding Intangible Cultural Heritage."

Ms. Yolanda Granda, another Philippine participant from the academia, made a detailed presentation on the "Government Mechanism for Safeguarding ICH and Approaches in Inventory-Making." She discussed the following topics: overview of the Philippines and its ICH; Philippine legal provisions for cultural heritage and UNESCO ICH Convention; ICH programs of selected government agencies/institutions on research and documentation, education and transmission, and promotion; summary, conclusion and recommendation.

Ms. Ligaya Amilbansa, the third participant from the Philippines who is a writer and dancer, and Ms. Maria Sienna M. Rivera, an observer, demonstrated the Pangalay Dance Style of the Philippines.

Mr. NAKANISHI Koji, Director-General of ACCU, delivered a farewell remark as he had to leave for Japan early. He expressed thanks to all parties involved in the meeting, and wished the meeting a success.

DAY 3: (Thursday, 16 December)

Chairperson: All Day: Dr. V.K. Gupta (India)
P.M.: Dr. Savitri Suwansathit

Rapporteurs: Ms. Tara Mar (Resource Person)
Dr. Kanchana Ngourungsi, Mr. Kampee Noonkhan,
Dr. Sasitorn Chantharothai, Dr. Narat Sakontawut

Chairperson welcomed delegates and invited the first presenter of the day, Mr. Miyata Shigeyuki.

Participant's Report: Japan

Mr. Miyata made a presentation on "Mechanism for Safeguarding and Inventory-Making of Intangible Cultural Heritage in Japan." He first explained five categories of inventories in which ICH were classified and Law for the Protection of Cultural Properties. He then explained procedures for designation and selection of ICH and its holders, measures for the preservation of ICH, and the role of community in inventory-making.

Chairperson Dr. Gupta stressed that an important aspect of ICH safeguarding and survival, apart from the designation of holder or master of ICH, are the ICH practices by community members.

Ms. Amir (Malaysia) asked how Japan assigned ICH to each individual holder because in contrast, ICH was collectively owned in Malaysia.

Mr. Miyata replied that when Japan designated an individual as a cultural holder of intangible cultural properties, it meant that person was the best practitioner of that particular ICH.

Ms. Ricafort (Philippines) asked what system was in place for the works to be conserved after the master passed away and their name is deleted from the list.

In reply, Mr. Miyata gave an example of a Japanese woman artist of a musical instrument who was designated eight years ago as a holder of important ICH Property. The Japanese government gave her title and grants so that she could teach her skills and arts to her followers. After she passed away, the government hoped her students would be able to reach the level of their master in the near future and were able to pass on the ICH knowledge.

Mr. Venu (India) remarked that the designation of an ICH holder kept ICH in practice and that the people who practice ICH were the real keepers of ICH.

Dr. Yingyong (Resource Person) in agreement with Mr. Venu, noted that ICH cannot stand alone and that we must pay attention to people and not just the knowledge itself. In Thailand, cultural holders such as national artists were nominated for best practice and were given allowances and encouragement to pass on their ICH. He gave an example of traditional healers, who were granted licenses so that they could legally practice traditional medicine and pass on their knowledge to their students.

Chairperson Dr. Gupta asked Mr. Nemani (Resource Person) to give his opinion about the issue of designating an individual as a cultural holder and what he believed to be the best approach in inventory-making.

Mr. Nemani said that in Fiji, culture was collectively owned and not individually owned, but that he respected the designation of ICH holder in Japan to individuals because he recognized that cultural elements in each location might be different. He said that in Fiji they tried to conform to conventional rules as well as to

UNESCO's ideal concept of inventory-making. He outlined the need for detailed approaches which paid consideration to these various cultural elements.

Dr. Gupta next asked Ms. Tara Mar (Resource Person) to share her opinion on the project-based approach in inventory-making.

Ms. Mar raised several issues to be pondered upon. The first issue was the role of the government: Should the government be supporter, or implementer; and how to initiate and follow through this process? Also questions regarding data collection by trained researchers of government agencies: who were the real owners of the published information, the researchers or the people in the community? She raised the issue of tourism, as seen both in Cambodia and Fiji, the frequent use of traditional ethnic dances to tourist audiences. She emphasized the importance of having prior informed consent (PIC) and benefit sharing mechanisms in place in the documentation and inventory-making process.

The chairperson then invited Mr. Wendland (WIPO) to discuss issues on ICH safeguarding, especially with regards to inventory-making and commercialization and the international laws involved in the issues.

Mr. Wendland replied that the very purpose of enforcing intellectual property rights in inventory-making should serve to prevent the misappropriation of creativity by a third party. He states that the main issue WIPO is targeting is how inventory-making can prevent misappropriation and how to generate a system in place that benefits the bearers. For example, an inventory could be used to support a *sui generis* system; it could provide information about beneficiaries and solve competing claims. He mentioned that new documentation of ICH can also create new IP rights. With various ICH forms displaying similar characteristics across national borders, the feasibility of a cross-border inventory remains a complex matter.

Mr. Wendland reiterated that WIPO did not have the specific expertise in inventory-making but was an organization that provided guidelines for legal intellectual property questions. The first step that is currently being taken is the commissioning of experts to collect existing guidelines and protocols that institutions are currently using for issues on access control. The idea is for this collection to serve as a resource for a website, and as a way to see what other countries are doing on these kinds of issues. Mr. Wendland then raised the case of Mulan, a Disney animation film based on a Chinese tale. In this case, enforcement of IPR would enable the Chinese to prevent the distortion of the story and receive payment from a third party.

In the future, WIPO would work on developing best guidelines and a checklist on laws encompassing traditional know-how and cultural expressions. A good example, however, of a checklist or guidelines for research protocol can already be found in Vanuatu and Fiji's case. Generally, WIPO would be ready at any time to provide advice, information, workshops and seminars on IP issues in relation to this work.

The final remark before the next presentation was made by Ms. Prisna (ONCC). She pointed out that some ICH Masterpieces in the UNESCO Proclamation of Masterpiece list had more than one holder or bearer, especially ICH in South America.

Participant's Report: Cambodia

A representative from Cambodia, Mr. Hab Touch, made a country report on "National Mechanisms in Safeguarding ICH." He explained the national action plan in safeguarding ICH, which includes: capacity-building, heritage inventories, transmission of knowledge, increasing public access and awareness, creation of national legislation, legal measures and cultural policies, and strengthening greater national, regional, and international cooperation.

At the end of his presentation, Chairperson Dr. Gupta invited Ms. Mar (Resource Person) to discuss the impact of the Proclamation of Masterpieces and ICH on tourism in Cambodia.

Ms. Mar replied that two Cambodian forms of ICH were proclaimed as masterpieces: the Royal Ballet (2003) and *sbaek thom*, large shadow puppet theatre (2005). Since 2003, the Royal Ballet/ Classical Dance

has received increased funding and has been incorporated in tourism functions and festivals. One positive point for the nomination of shadow puppet theatre is that, at present, there are only one or two full sets in the country. Recognition of safeguarding will encourage more puppets to be produced, more artists to be trained, with benefits given to tradition-bearers and artists provided that IPR rights are respected and enforced.

Dr. Yingyong (Resource Person) raised the issue on the claim in IP rights against real existing cultural practices. He said that inventory-making was to claim ownership by researchers, which had its own benefits and drawbacks. In reality, there are ICH practices which are 'lived' and carried out but are simply not recorded or documented. He highlighted the big gap in IP rights that served to restrict ICH practices and the actual practices of ICH that are lived in everyday life.

ACCU representative Ms. Ohnuki asked Dr. Yim (Rep. of Korea), who was a jury member of the Proclamation of Masterpieces programme, to clarify the procedures of filing the proclamation candidature since she was on one of the committees.

Dr. Yim stated that the Masterpiece programs started in 2001, with the proclamation of 19 Masterpieces. In 2003, 27 Masterpieces were proclaimed. In 2005 Proclamation, 43 were recognised. She then briefly discussed the process of the candidature filing. UNESCO sent out guidelines to each state member; each nation prepared candidature file according to guidelines before submitting; after that the file went to NGOs; later academic societies, while members of NGOs reviewed the files and sent them back to UNESCO. There were members to review the file, (taking almost one week) then, after long discussion, we had rules and regulations of how to examine particular candidate of files. She added that the Proclamation of Masterpiece program would be terminated soon, and that in the near future, UNESCO would have a representative list of ICH under the 2003 Convention and list of ICH items which were in danger of extinction. The criteria of selection however, has not yet been established.

Ms. Mar (Resource Person) requested Mr. Touch from Cambodia and Mr. Nemani from Fiji to raise the selection criteria of the "Living Human Treasures" project in their countries. She asked whether they selected the criteria themselves or they had guidelines to follow from the donor agency of South Korea.

Mr. Touch (Cambodia) answered that they consulted UNESCO guidelines while establishing their own guidelines and that the program would be launched next year.

Mr. Nemani (Fiji) answered that his country selected the criteria for living human treasure themselves.

During tea break, VCD of Cambodian puppet theatre Sbaek Thom was presented on screen.

After tea break, Dr. Gupta invited the next presenter from Republic of Korea.

Participant's Report: Republic of Korea

The next report was made by Mr. Kyunghwan Kang on "Preservation and Protection of Intangible Cultural Properties: Institutional and Policy Measures in Korea." He first introduced Cultural Heritage Administration and affiliate organs. Next, he mentioned about laws for preserving cultural heritage, designation policy, and sub-categories of Korean ICH: music, dance, drama, folk game, rites, martial arts, and handicrafts. In addition, Mr. Kang explained major policies of intangible properties in Korea, what forms of ICH are supported and documented. He also explained difficulties in safeguarding ICH which resulted from: natural and man-made threats, collapse of traditional village cultures, and ICH utilized as tourist attraction. Finally, he mentioned about regional cooperation desired for the safeguarding of ICH.

Participant's Report: Viet Nam

Ms. Nguyen Kim Dung from Vietnam made a country report on "Government Mechanism for Safeguarding ICH: Some major directions and experiences from Viet Nam." She explained how the government and community mechanism played an important role in safeguarding ICH, which covers the following areas: context, legal framework, institution and organization involved, and government activities and experiences.

Ms. Dung also mentioned about the pilot project which was a comprehensive survey of ICH in Yen Hung District, Quang Ninh province.

Dr. Viboon (Thailand) suggested that a comprehensive methodology be compiled incorporating the various different approaches from various countries. This could be developed to better serve the diverse needs each member country faces.

Participant's Report: Thailand

Ms. Kwanchewan Buadaeng made a country report on "Safeguarding and Inventory-making methodology for ICH: Case of Social Research Institute, Chiang Mai University." She made it clear from the very beginning that "safeguarding" of ICH was based on her experience as a researcher in the Social Research Institute of Chiang Mai University, and it mainly covered Lanna studies. Ms. Buadaeng also mentioned about the role of national institutions on ICH and introduced E-Lanna, a website that contained information about Lanna ICH.

Discussion

After the lunch break, Chairperson Dr. Gupta reiterated his assignment of the topics for discussion to be led by representative from each country as follows: Identification of ICH holder and ICH selection by Japan and Korea; comprehensive guidelines by Thailand; governmental/national support system by Ms. Mar, Mr. Nemani (Resource Persons) or by any country; the compilation of a cultural index system by the Philippines; minimum standards for ICH inventory-making and IP rights to complement the inventory by Mr. Wendland; the role of the community by Dr. Yingyong (Resource Person); the role of IT in inventory-making by Mr. Wendland; issues of national mechanism, education and awareness building by any country.

Dr. Yingyong asked for permission to speak first because he needed to leave soon. He affirmed that the ICH inventory-making, safeguarding and transmission to be done by both bottom-up and top-down approaches, otherwise, the ICH would not be able to survive at the grassroots level. Some examples were integrating ICH in the school curriculum, and that the education level be extended to professional levels. He also raised the key issue of accessibility. In addition to the research and data collection done in ICH, he stressed the need for appropriate platforms to access the data. He added that we also need committees and sub-committees in the regional and sub-regional level to assist in building up guidelines simple enough to follow. He did not like or approve of the term "holder" because it connoted ownership and he suggested the use other terms such as "National Artist" or "National Treasure." He further repeated that inventory-making was just the beginning of the safeguarding process and that the restoring process into everyday life, into education, to generate income and expansion of knowledge were the most sustainable ways of safeguarding ICH.

Chairperson Dr. Savitri asked for comment and discussion on education and awareness-raising.

Mr. Nemani (Resource Person) shared his experience in Fiji and the effective means of giving information through mass media and education on ICH, as well as raising awareness to boost enthusiasm among the grassroots people. An example of this is promoting ICH through television or colorful posters.

Mr. Venu (India) added that the most important elements in the whole process of inventory-making and where it is aimed for the future, is the continuation of the practice. ICH media and documentation should appear in several languages for those who did not have command of English, especially the senior practitioners of ICH.

Chairperson Dr. Savitri asked Dr. Yim (Korea) to discuss the identification of ICH master or holder.

Dr. Yim briefly described the process in her country: the designation of "Living Human Treasure" and ICH items. The proposal is submitted by local government to be considered by the central government. The experts examined the proposal and place the items or holders on the internet so everyone can be informed. If there was no objection from the public, the title of "National Treasure" would be declared. The length of time of the whole process varies case by case. If there are competing nominees, it takes a longer time. She

also added that in Korea, there are few cases in claiming mutual ownership because they selected the person of the highest talent in each ICH field to be the master. She then asked Mr. Miyata, participant from Japan to share his experience of competing ownership.

Mr. Miyata answered that in Japan there were two categories of IC property: Intangible Cultural Property (ICP) and Intangible Folk Cultural Property (IFCP). In the first category (ICP), the title of master is limited to 116 titles. If one of the masters passes away, the vacancy would be filled up by another qualified person. In the case that a qualified person cannot be identified, the position would be left vacant until a suitable candidate emerges. *Bunkacho* keeps a long list of candidates and keeps track of their works. The selection is conducted with great care and the public usually does not raise objection. However, for the title of master in the second category (IFCP), the central government selects those ICH items which are already designated as IFCP at the regional/local level. There is no limitation of titles in this category.

Dr. Yingyong (Resource Person) shared his experience as a committee member in the designation of masters in the field of traditional healing in Thailand. One of the selection criteria was that the nominated healers had to work in the field for more than 20 years. The government declared 3 vacancies to fill up the 83 posts, but the nominees from the local government had numbers up to 8000. He stated that this posed difficulty in the selection process and that the committee had to re-consider even if there was only one objection made. To date, only 5 of the 8000 healers have been selected.

Chairperson Dr. Savitri added that Dr. Gupta had to select 60 from 600,000 candidates in the field of traditional healers in India.

Ms. Prisna (ONCC) elaborated on the benefits a “National Artist” in Thailand would receive in terms of health care, funding for his/her art and the transmission of the ICH knowledge, etc. In Thailand, 5 to 9 persons are selected every year from fields of performing arts, visual arts, literary art, and architecture. For the people who are designated, they are appointed for monthly salary in teaching, performing and training the younger generation. Efforts are also geared to creating an inventory of their present and past work, (including originals) and specifications of their work history and style. Collected works of national artists, including the Thai King are displayed for exhibition at the “National Artist Supreme Hall”.

Dr. Yim (Rep. of Korea) explained that in her country, an important criteria for the selection of ICH holder was that that the particular ICH was endangered. Competition among nominees was thus kept low because there were few practitioners.

Ms. Amir (Malaysia) raised Malaysia’s criteria for selection of their National Arts Award and Literary Art Award. Selection is based on the amount of knowledge the artist owns and the contribution of the artist to the art, not directly because of the value of the art itself. One nominee is designated every two years and committee members are responsible for determining which particular field to consider.

Mr. Nemani (Resource Person) shared Fiji’s criteria of selecting ICH holders. He said since his country’s ICH was collectively owned, a representative individual, such as a clan leader or tribe head was identified as leader of the ICH. He said WIPO had copyright (*sui generis*) which support collective ownership; therefore, as for the question of cross boundary ICH ownership, we might be able to learn from the example of Latin America.

Ms. Ricafort (Philippines) stated that “National Artists” in the Philippines were buried as national heroes and received a state funeral. Artists could be nominated in three different levels: district artist, regional artist, and national artist. The eligible nominees are ranked from age 6-60.

Chairperson Dr. Suvitri invited Mr. Wendland to share his opinion on the media form in which the ICH inventory should be stored.

Mr. Wendland replied that from WIPO's point of view, the main objective of inventory making was to prevent misappropriation of ICH. He emphasized that IP rights could play dual functions of preservation and protection and that inventory stored in electronic form was more preferable in sharing information, but that both print and e-formats would be ideal. He also stated the main issues of IP rights; for example, who is the beneficiary, how to contact or acknowledge the community, if there are any customary laws attached to the cultural expressions; also, if the cultural expressions can be shared by more than one parties or cultures.

Chairperson Dr. Savitri remarked that creating a database was an important stage in information sharing and that member countries might not be able to follow all the guidelines, but in the future, they could work together. She then invited questions.

Ms. Chaweewan (Thailand) asked that in the case that there were several interpretations of a cultural expression in different locations, how to determine which version was the most accurate interpretation to be included in the research or the inventory.

Mr. Wendland helped in clarifying this question. He said there was no international law to designate which version of cultural expression was authentic; it should be the work of the local government to make the selection. However, every version of interpretation can claim copyright because of each of its distinct characteristics, though they are from the same source. He recommended the researcher to claim copyright in that particular version he/she was working on because it was the immediate source of the researcher's work.

Ms. Phuong (Vietnam) commented that Chiang Mai University in Thailand holds a large amount of information on the "Tai" ethnic group. As the group is found around in Laos, Vietnam, China, how can we effectively protect the ICH of the Tai group by claiming ICH copyright in each country? What actions ought to be taken when the sacred content of one community might differ from one another?

Chairperson Dr. Savitri commented that in some cases, the attempt to copyright an ethnic ICH might lead to dispute, especially when speaking of where it originated. She said that making inventory for the preservation, research, or identification purposes was usually accepted, but to copyright for commercial profit might bring conflict.

Ms. Amibangsa (Philippines) commented that often, people in different locations create similar ICH. In this case, similarity in the ICH items in the inventory is non-problematic.

Mr. Chen Feilong (China) raised an example of this by mentioning a co-project between China and Mongolia - the Proclamation of Masterpiece of the Mongolian Gong Song. China joined Mongolia in submitting a Masterpiece candidature file for this ICH item.

Ms. Granda (Philippines) added that UNESCO could embark a project in Asian Pacific countries. The project could be a joint data project among countries and a joint ICH training program.

Mr. Venu (India) raised another issue that if the ICH master was very old, they needed to take immediate action or to have an emergency plan in place to record his/her art.

Mr. Viboon (Thailand) stated that in the inventory, we should state rules about how the ICH should be used, for what purpose and in what context, to prevent misappropriation. He used the example of Bach (western classical composer and musician) being played in public washrooms, or religious music played for general or tourist consumption.

Chairperson Dr. Savitri introduced the next topic for discussion: government support on ICH.

Ms. Granda (Philippines) spoke of the government-funded Cultural Index project which offered grants in training and funds for publication of ICH in highly urbanized cities. Next year, the government would provide

US\$ 4000 to each province and city to come up with a publication. With 77 provinces in 22 highly urbanized cities, there would be a total of 99 publications gathered from each community.

Chairperson Dr. Savitri asked the Philippines representative to discuss the impact of the presidential proclamation on local communities.

Ms. Ricafort replied that the government took initiatives in promoting their own local traditions and cultural practices in forms of presentation. The government gave allocation to the local government every year. The local government submitted the projects, and the congress approved the budget to be allocated to each province.

Dr. Yim (Korea) raised a problematic issue. She commented that tangible cultural heritage was often regarded as more important than intangible cultural heritage. In countries like Japan and Rep. of Korea, ICH had been protected more than in other countries. However, less than 10% of budget in Japan and Korea was spent on ICH. She also added that unless we make a balance of tangible and intangible cultural heritages, ICH would be in danger. Though many of the country presentations pointed out that the enemy of ICH was globalization, the biggest enemy or threat, in her view, was government approach/mindset to safeguarding.

Ms. Phuong (Vietnam) commented that in her country, ethnic communities were composed of old men who were not practitioners but were able to transfer the traditional knowledge to people in their community. This was the folk mechanism in place to safeguard ICH.

Chairperson Dr. Savitri commented that community mechanisms can be very strong despite little or no budget given to the community. People had their own awareness of safeguarding ICH. And normally women took a lead in this process.

Ms. Chitlada Burapharat (Thailand) asked how to train government officials in the field to be sensitive to and to understand local wisdom so that they could help preserving this knowledge.

Chairperson Dr. Savitri added that part of the problem is that government officials often get rotated, so they did not stay long enough to develop their sensitivity to this matter or to feel bounded with the community.

Ms. Amilbansa (Philippines) raised the importance of respecting the rights and existing practices of practitioners. She commented that individual practitioners like herself put so much effort in preservation of ICH. She taught, experimented, created new dancing styles, and carried out research on the Pangalay Dance.

Chairman Dr. Gupta commented that the government should provide funding for communities to safeguard ICH. When forms of ICH are commercialized, there should also be laws to protect the ICH and ensure that beneficiaries would be the communities themselves and not the third party.

Ms. Zhang (China) agreed that we should not simply address government's role in ICH and ignore practitioners. In the past, China was not an independent civil society, so the government played a role largely in policy making. However, after UNESCO Proclamations of Masterpieces, the government paid greater attention to safeguarding ICH, distributing ICH documents, training government officials and giving financial support.

Chairperson Dr. Savitri asked whether it was the local government or the central government that supported the project in Li Jiang.

Ms. Zhang Min (China) replied that governments had been persuaded by local scholars to promote Li Jiang as the world living heritage, and later Li Jiang became a commercial success. This success was due to cooperation between local scholars and the government and is a good case study to raise, highlighting the benefits of tourism in supporting and promoting ICH.

Ms. Amir (Malaysia) added that governments at all levels, private sectors, and academic institutions should complement each other in the establishment of museums, arts infrastructure, and organizing courses for the transmission of ICH knowledge. She mentions that two petroleum companies are playing a large role in supporting the arts and performances in Malaysia.

Chairperson Dr. Savitri introduced the topic of the role of information technology in ICH inventory-making.

Dr. Gupta (India) championed the use of IT (such as creating a digital library) in the categorization and the transcription of complicated and high volume data. Information technology can also facilitate language translation. The issue of cross-border sharing of ICH information could also be facilitated through such a classification system.

Ms. Dung (Vietnam) raised an example of an ancient script in Vietnam which had its origin in China (the *Naom* script). The script was digitalized by the collaboration of parties involved, for example, government funding, the researchers in the script, the people who could read the script, and the IT staff. She also stated the need to collaborate with the Chinese government on the project.

Mr. Nemani (Resource Person) warned of the risk of including sensitive information on the website, for example, sacred and secret materials given by an informant to a particular researcher. Prior informed consent and respect for this is extremely important.

Chairperson Dr. Savitri compared this to the danger of putting a cultural item on display in a museum and cutting it off from its surrounding cultural context. She suggested that ICH be open and transmitted within the community but there should be limits about what to share and what not to share with outsiders and the general public.

Ms. Prisna (ONCC) stated that next year, Thailand is planning to have a national database with local teams located in each province composed of artists, academic agencies, government officials under the Ministry of Culture. They would be responsible for collecting data in the communities and compiling this in a database. This ICH data collection project would have restricted access. Only certain parties, such as ONCC and the ICH community who owned the information would have access, and selected data made accessible on the website.

Mr. Wendland (WIPO) supported the point saying that layer access (different access for different groups of people) was a proper measure to prevent violation of data. For example, the amount of information accessible to the tribe head would be different from that available to the tribe members and to the general public. He highlighted the importance of establishing ownership through IT techniques.

Chairman Dr. Gupta agreed with Mr. Wendland. He added that the information should be divided into the disclosed and non-disclosed. The disclosed information should be copyrighted and the non-disclosed information should be guarded by the government and be provided with a security system (such as password).

Chairperson Dr. Savitri suggested that WIPO might be able to provide a training workshop on this specific topic.

Ms. Granda (Philippines) recommended that digitalization, micro-filming and archiving also be used as appropriate forms of preserving ICH in “tangible” form.

Ms. Ohnuki (ACCU) commented on the importance of empowerment among tradition bearers. She elaborated the point that indigenous people needed to be involved and aware of the value of inventory-making. Illiteracy however, limits access to documented information, emphasizing the importance of passing ICH knowledge through both channels of formal and non-formal education. She invited participants to share their experience on this issue and whether they had any programs in place for the empowerment of the practitioner.

Chairperson Dr. Savitri added to this stating that literacy was a huge barrier to indigenous people in accessing the product of inventory-making, and that targeting the issue of education is crucial. She invited Mr. Venu to share his experience in this case.

Mr. Venu (India) asserted that the practitioners were the owners of extraordinary knowledge and they had the rights to disclose or not disclose the information, to whom to disclose the information, and how much information to be given. However, Mr. Venu affirmed that not just anyone is able to reproduce precious ICH practiced by a great master. The challenge was to keep the real essence or spirit of the art and to pass this on to the next generation. He also referred to his experience in trying to convince local people to perceive the value of this form of ICH, an undertaking that has taken over 20 years.

Closing Ceremony

Chairperson Dr. Savitri then invited Ms. Prisna from ONCC, Ms. Ohnuki from ACCU, Mr. Venu from India, and Mr. Wendland from WIPO to deliver their closing remarks in respective orders.

Ms. Prisna from ONCC thanked UNESCO and ACCU for their contribution. She also thanked participants, resource persons, and observers for their contribution and active participation, and staff for their hard work. Ms. Prisna hoped experiences and practices shared, discussed and exchanged for the meeting would serve as a useful means in identifying guidelines for safeguarding and inventory-making of ICH in the participants' countries.

Ms. Ohnuki from ACCU referred to ICH meetings, workshops, and projects previously carried out and summarized problems reported by participating countries such as the lack of money and experts to carry out projects. She also mentioned that ACCU would continue providing a forum to discuss issues related to ICH and hoped to have support from all countries. She finally thanked co-organizer ONCC, participants, and staff for their support, contribution, and participation.

Mr. Venu from India thanked organizers on behalf of participants by using gestures from Indian classical dance form.

Mr. Wendland expressed thanks and appreciation to organizers and participants of the meeting and hoped to work with them again in the future.

Chairperson Dr. Savitri concluded the session by saying that it was not too late to begin safeguarding ICH.

Day 4: Friday, 16 December

Field Trip to Ampawa District, Samut-songkhram Province

Boat trip from Mae Klong Pier to the mouth of the Mae Klong River

Lecture: Oral History of Bang Nang Lee community by Mr. Dach Pom Kacha

Visit to Ampawan Wittyalai School

Observation: Thai classical dance, puppet theatre and music performance by students

Visit to "Sala See Muk Hall" King Rama II Memorial Park

Lecture: Royal mechanism of safeguarding Thai dances and music by Dr. Nion Sanitwong Na Ayudhya and Ms. Prokob Lapdesorn

Observation: Museum and Ampawanjetiyarm Temple in the Park

