

CABINET-IN-CONFIDENCE

B12/662




Australian Government

**Department of Regional Australia,
Local Government, Arts and Sport**

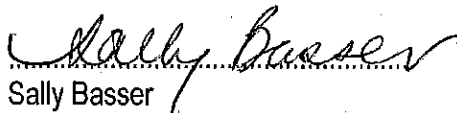
Executive Summary

UNESCO CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE - FINAL STEPS

To	Minister for Arts
Timing	Routine – 4 May (Redraft Updated 24 May)
Recommendation	<p>That you: s47C</p> <ul style="list-style-type: none"> Note that due to AusAID's mandate it is unable to fund Australia's domestic commitments under the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (B12/243 refers). <p>s47C</p> <p style="text-align: right;"><u>Noted/ Please discuss</u></p> <p>SIMON CREAM MP  Date: 20/6/17</p>
Purpose	s47C
Key Points	<ul style="list-style-type: none"> As outlined in B12/243 AusAID is unable to fund Australia's domestic commitments under the ICH Convention as AusAID funding is appropriated to support activities abroad. s47C The objectives of the ICH Convention are to recognise and ensure respect for the ICH of communities, groups and individuals; to raise awareness at local, national and international levels of the importance of ICH; to facilitate international cooperation and assistance on ICH matters; and to safeguard threatened ICH. The Australian Government currently funds a number of measures that directly support and safeguard ICH practices within Australia, these are detailed at Attachment B.

CABINET-IN-CONFIDENCE

- In the recent budget, further funding was secured to support for preserving the Australian Institute of Aboriginal and Torres Strait Islander Studies collections. This will also contribute to the Government's direct action in protecting Australia's intangible cultural heritage.
 - In the context of the National Cultural Policy, it is intended that the Policy will emphasise the importance of safeguarding Australia's cultural heritage. Two of the five goals of the Policy capture this – "Aboriginal and Torres Strait Islander cultures are celebrated and supported as the foundation of Australian identity"; and 'All our citizens, no matter where they live, or what their ancestry or circumstances, have a chance to shape our cultural identity and how it is expressed'. Further information is at [Attachment C](#).
 - During earlier consultation, while several stakeholders expressed support for the ratification of the Convention, many noted that the Convention reflects current policy and practice.
 - In addition, other stakeholders raised several issues and concerns with the ICH Convention, these are outlined at [Attachment B](#).
 - The main cost of ratifying the Convention would be the development and maintenance of a national list (similar to the World Heritage List) costing \$3 million over four years.
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Sensitivities	None	
Consultation	AusAID, DFAT	
Clearance	 Sally Basser First Assistant Secretary Office for the Arts 25 May 2012	Policy Officer: Celia Street Assistant Secretary Strategic and Whole of Government Policy Telephone: 02 6210 2764
Attachments	Attachment A –s47C Attachment B – Background Attachment C – Supplementary information (updated 24 May)	

B12/662

ATTACHMENT B**Background**Further background on the ICH Convention*The ICH Convention*

1. In its 2007 *New Directions for the Arts* policy statement the Government committed to consider becoming a party to the ICH Convention. The former Minister for the Arts, the Hon Peter Garrett AM MP, agreed to proceed with ratification of the ICH Convention in December 2009.
2. The objectives of the ICH Convention are to recognise and ensure respect for the ICH of communities, groups and individuals; to raise awareness at local, national and international levels of the importance of ICH; to facilitate international cooperation and assistance on ICH matters; and to safeguard threatened ICH.
 - a. The Convention identifies ICH as traditions or living expressions inherited from our ancestors and passed on to our descendants and includes oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts.
3. At the international level, the ICH Convention provides for financial and technical assistance to be directed to support ICH identified as in need for urgent safeguarding (eg endangered by social changes resulting from urbanisation and industrialisation, the influence of national and foreign cultures, the migration of people to cities for work, etc).

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5. The cost to effectively implement Australia's obligations under the ICH Convention is likely to be \$3 million over the first 4 years.

Current Australian Government programs protecting ICH

6. The Australian Government currently funds a number of measures that directly support and safeguard ICH practices within Australia. These include support for community-based Indigenous language centres, Indigenous arts centres, festivals and events that showcase Indigenous, multicultural and contemporary ICH practices, and through implementation of our obligations under the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

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8. While many stakeholders expressed support for the premise of the ICH Convention, during consultation a number of specific issues and concerns were raised in regard to the ICH Convention:
 - a. The list based approach adopted by the Convention is not always an appropriate method for safeguarding ICH. For example, the documentation and listing of certain aspects of Australian Indigenous ICH may be inappropriate if the ICH is secret or sacred;
 - b. A potential for a divisive impact in the Australian community if and when particular examples of ICH are selected for safeguarding or for listing while other examples are disregarded;
 - c. The likelihood of competing communal claims to 'ownership' of some ICH practices by Indigenous communities and potential for the entry of an ICH practice on a national list to be perceived as conferring formal recognition or ownership of the ICH practice by the applicant;
 - d. There may be negative cultural ramifications if an outside body interferes with the knowledge of a custom or material that is restricted; and
 - e. There are concerns from the academic community that by ratifying the ICH Convention and listing ICH, it will discourage its organic evolution. ICH is a 'living culture', constantly being recreated by communities and groups in response to their environment, their interaction with nature and their history. By defining and listing a particular practice, language or event it risks limiting it and hampering its natural evolution. If an item of ICH does not evolve as society evolves it risks becoming irrelevant.

Resource requirements for administering the ICH Convention

9. We estimate that the overall cost to effectively implement Australia's obligations under the ICH Convention is likely to be \$3 million over the first 4 years. s47C

10. Given the concerns and costs associated with implementation of the ICH Convention and the tight budgetary environment, OFTA believes more effective outcomes will be secured by providing funding to policies and programs directly supporting and protecting ICH in Australia rather than by providing indirect support for ICH through the allocation of limited resources to support accession to, and implementation of, the ICH Convention.

History of the convention

11. In October 2003 when the UNESCO Executive Board allowed a vote on the adoption of the draft Convention, Australia abstained from the vote because of concerns with the preliminary draft of the Convention.
12. These concerns included: the ability of the Convention to effectively safeguard intangible cultural heritage; whether a list-based approach is appropriate due to the likely number of entries; the absence of agreed standards to guide identification and preservation of intangible cultural heritage; and the possible overlap with other international mechanisms currently in place, including the World Heritage Convention.
13. The Convention entered into force on 20 April 2006 and as at 31 December 2011 had been ratified by 140 states (although not by comparable states such as the US, Canada, UK, the Russian Federation and New Zealand).

14. Article 1 of the Convention outlines the objectives to safeguard intangible cultural heritage through identification, documentation, research, preservation, protection, promotion, enhancement and transmission, and to provide for international cooperation and assistance.
15. Article 2 defines 'intangible cultural heritage' as:

'the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.'
16. Article 2 also indicates intangible cultural heritage as being manifested in the domains of oral traditions and expressions, including language; performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and the universe; and traditional craftsmanship.
17. In the Australian context, this definition would include Indigenous traditional knowledge and traditional cultural expressions. Given Australia's multicultural composition, traditional cultural practices of migrants would also be covered by the definition. It has also been suggested that some more recent, iconic Australian traditions (e.g. Anzac Day march, Melbourne Cup Day, etc.) could also constitute intangible cultural heritage.

Further background on cooperation with AusAID

18. On 9 February 2012 you wrote to the former Minister for Foreign Affairs and Trade, the Hon Kevin Rudd MP, regarding opportunities to connect activities across his portfolios with the development of the National Cultural Policy (NCP). You subsequently requested that OFTA investigate how initiatives delivered by AusAID could be reflected in the development of the NCP.
19. OFTA has worked with AusAID and the Department of Foreign Affairs and Trade (DFAT) to identify any initiatives or opportunities to support arts and cultural related activities including the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage.
20. AusAID funding is appropriated to support activities abroad, driving its fundamental purpose to help people in developing countries overcome poverty. This also serves Australia's national interests by promoting stability and prosperity in our region and beyond.
21. On this basis, in response to questions raised on brief B11-1661 regarding the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, AusAID is unable to fund Australia's domestic commitments under the convention. To qualify for funding an organisation must address the specific priority area of disadvantage in specific countries.

ATTACHMENT C

Supplementary Information (Updated 24 May)

Current spending on intangible cultural heritage

1. The Department runs several programs that fall under the Intangible Cultural Heritage Convention including:
 - a) Indigenous Languages Support (ILS) aims to address the erosion and loss of Australia's estimated 250 Indigenous languages by providing funding to support community-based projects that help Aboriginal and Torres Strait Islander peoples to connect to their languages and culture. Projects include total immersion language camps, early childhood language nests, community language teams, and the production of language learning books, dictionaries and grammars. The Government has committed approximately **\$40 million over the next four years** for this program.
 - b) Indigenous Culture Support (ICS) assists participation in a wide range of Indigenous cultural activities throughout Australia and enables the transfer of cultural knowledge across age groups. A range of projects are supported that emphasise participation and achievements that enrich Indigenous culture, develop skills and encourage a strong sense of identity in communities and encompass activities such as theatre, dance, music, film, radio, cultural workshops and camps, traditional arts and crafts, Indigenous festivals, and storytelling. The Government has committed approximately **\$30 million over the next four years** for this program.
2. The Department is also involved in several processes in line with protecting Traditional Cultural Expressions with no attached funding.
 - a) The Department works with the World Intellectual Property Organisation Intergovernmental Committee, which is the international forum for discussion and decision on intellectual property issues related to genetic resources, Traditional Knowledge and Traditional Cultural Expressions. The Department's involvement is to provide input about the Australian context and to ensure that any agreements related to intellectual property internationally have a positive impact on domestic Traditional Cultural Expressions and no adverse consequences.
 - b) In addition, the Department is developing a national policy framework for the protection of Traditional Cultural Expression in Australia. This framework is an important project that aims to address Indigenous cultural intellectual property requirements.

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7. The objectives of the ICH Convention are admirable, and deserve to be respected.
 - a) These objectives include: to recognise and ensure respect for the ICH of communities, groups and individuals; to raise awareness at local, national and international levels of the importance of ICH; to facilitate international cooperation and assistance on ICH matters; and to safeguard threatened ICH.
8. The Australian Government already funds a number of measures that directly support and safeguard ICH practices within Australia. To that end, we are already meeting the objectives of the ICH Convention.
 - a) These measures include support for community-based Indigenous language centres, Indigenous arts centres, festivals and events that showcase Indigenous, multicultural and contemporary ICH practices, and through implementation of our obligations under the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

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