



Intangible Heritage in Canada: Political Context, Safeguarding Initiatives, and International Cooperation

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Summary

This presentation paints a broad portrait of intangible cultural heritage (ICH) in Canada. In the first section, I examine the political and legal situations of a country that has not signed the 2003 UNESCO Convention. My focus rests more specifically on the recent legislative recognition of ICH in the Canadian province of Quebec, which adopted the Cultural Heritage Act on 19 October 2011. I explain the safeguarding mechanisms prescribed in this act and describe how the legislation will be put into practice. In the second section, I examine safeguarding initiatives that support ICH directly and indirectly at the federal and provincial levels. The presentation analyses more specifically the inventories undertaken in Quebec since 2003 and 2004, revealing their benefits and drawbacks. I conclude by demonstrating how international cooperation has strengthened efforts to develop ICH in Canada and abroad. Important aspects of these efforts include the exchange of expertise, political legitimacy conferred by external recognition, and professional networking.

I. The Political and Legal Contexts of ICH in Canada

1. Canada, Culture, and UNESCO

Canada was among the first countries to support the process that led UNESCO to pass the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2005. The country was instrumental in developing the legal material and in the international negotiations that took place.

Quebec is one of the ten provinces of the Canadian federation.¹ It played an active role in efforts leading to the enactment of the 2005 Convention by UNESCO, both within the Canadian delegation and within independent international networking initiatives, notably those with France. The fact that Quebec shares a language with France and with the UNESCO headquarters in Paris, an organisation with which it has traditionally shown intellectual affinities, provides it with an opportunity to position its ideas despite the small place it theoretically holds on the world stage.

Furthermore, geographic proximity to the United States of America, the main exporter of goods from the entertainment industry, has had a definite influence on Quebec and Canada's strong desire to promote cultural diversity. This is especially true in a globalised context that facilitates the reproduction and widespread distribution of products like movies, music, and literature. With this in mind, the 2005 Convention allows Member States to protect their right to provide grants to cultural industries within their borders, thereby ensuring as much as possible that culture remains separate from the goods and services regulated by the GATT accords under the administration of the World Trade Organization (WTO).

The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage is strengthened by the 2005 Convention in that ICH, as a subset of culture (and as part of the cultural industry), stands to benefit from the fact that governmental support of cultural productions are in this way protected. The links between the 2003 and 2005 conventions do not end there. In fact, the object of the 2003

1) Quebec is a federated state with seven million inhabitants, approximately a quarter of Canada's population, and is the only Canadian province with a French-speaking majority. It has an area of 1.668 million km², over sixteen times the size of South Korea.

Convention—intangible heritage—is situated within the very crucible of global cultural diversity—the main objective pursued by the Convention of 2005—due to the strong regional particularities presented by its elements.

Although Canada was the first state to ratify the 2005 Convention and is also legally bound to the 1972 Convention on World Heritage,² it has not yet ratified the 2003 Convention on ICH. The reasons invoked for this abstention relate to the argument that the Convention contains a definition of ICH that is too vague and creates significant obligations for the state that are almost impossible to fulfil (i.e. inventories and their regular updating), especially due to Canada's multicultural population.

2. ICH in Quebec Legislation (Canada)

In its recent Cultural Heritage Act, adopted on 19 October 2011 and scheduled to come into effect one year later, Quebec has included clauses inspired by the 2003 Convention and by its Sustainable Development Act.³ This makes it the first Canadian province to recognise ICH at the legislative level. The new law will replace the Cultural Property Act adopted in 1972. In addition to the built heritage and movable properties recognised by the latter law, the 2011 law includes new heritage categories, notably the inclusion of ICH. These new categories consist of elements of heritage that do not generally fall under the ownership of a single individual, nor are they the object of fines or firm obligations to ensure their maintenance and protection.

2) Canada ratified this convention in 1976. Moreover, the head office of the Organization of World Heritage Cities (OWHC) is in Quebec City.

3) Quebec Sustainable Development Act (2006) :
Article 6. [...]

(k) Protection of cultural heritage: The cultural heritage, made up of property, sites, landscapes, traditions and knowledge, reflects the identity of a society. It passes on the values of a society from generation to generation, and the preservation of this heritage fosters the sustainability of development. Cultural heritage components must be identified, protected and enhanced, taking their intrinsic rarity and fragility into account.

The legal status of heritage according to the Cultural Heritage Act⁴

Promotion	Protection
Heritage cultural landscape	Heritage site
Element of intangible cultural heritage	Heritage immovable
Persons of historical importance	Heritage object
Events of historical importance	Heritage document
Historic site	

The principal means for the promotion and development of ICH within the Cultural Heritage Act are official statutes of recognition. Two levels of recognition are specified: first, Quebec's Ministry of Culture will be able to designate an ICH element as the shared national heritage of Quebecers; second, municipalities and native band councils will be able to identify local ICH elements. All these recognised elements will be added to the Quebec Cultural Heritage Register. The act calls for municipalities to create a local heritage council charged with receiving requests and analysing ICH cases.⁵

Statutes of national recognition for ICH elements can serve as a formidable means to ensure the promotion and development of these elements. For these statutes to be significant, needs assessment studies for each recognised element should be undertaken. Recognition should also engender corrective measures, if necessary, so that the designation becomes more than a token gesture. As recently stated by a group of authors in *Le Devoir* newspaper,⁶ the true recognition of a given cultural practice must not only be evaluated in terms of official statutes or market demands. It is measured first and foremost by its presence within the educational system, by the degree of financial support directed to it in relation to non-ICH

4) Karine Laviolette, 'Vers une valorisation des traditions : le patrimoine immatériel dans le projet de loi sur le patrimoine culturel du Québec,' in Antoine Gauthier (ed.), *Les mesures de soutien au patrimoine immatériel : gouvernements, institutions et municipalités*, Quebec, CQPV (to be released in 2012).

5) Municipalities will also be able to delegate this task to their existing planning advisory committee. This will introduce the challenge of adding cultural actors and persons interested in the promotion of ICH alongside the architects and urban planners in the existing structures. Some cities in Quebec have already incorporated ICH in their cultural policies, though this has not yet been translated into worthwhile concrete actions. The mechanisms introduced by the identification process may bring new life to these policies.

6) 'Le patrimoine immatériel enfin reconnu,' *Le Devoir*, Montréal (Canada), 2 November 2011. I was one of the people to sign this article.

comparables, by its recurrence in the public media, etc. In short, it is measured by certain choices made by public institutions prior to the emergence of market demands. If official statutes can have an impact on those choices, then they will have fulfilled their goal.

The new Cultural Heritage Act also makes it necessary for the Minister of Culture to include ICH in its inventories and to keep these up to date. The Act also incites the Minister to fund knowledge (research, ethnological surveys, and documentation), promotion, and transmission of ICH. Projects linked to ICH are entitled to subsidies from the Fonds du patrimoine culturel, presently valued at ten million dollars, though how these funds will be distributed has yet to be determined.

II. Targeted Safeguarding Initiatives

The federal government of Canada has not yet implemented specific programs or policies for safeguarding ICH. Nevertheless, things are still being done to help those working with traditional arts, with know-how linked to traditional crafts, or even to help researchers studying elements of ICH. Support is offered to artists, artisans, events, researchers, and organisations by the Canada Council for the Arts or by the Department of Canadian Heritage.⁷ This support promotes a dynamic cultural life in the country. Although federal help is generally directed at professionals, it may also be used for leisure activities. Other measures of support are available for different elements that could be considered ICH, and they are delivered by the departments or governmental institutions whose authority these elements fall under.

Public support provided for the practice of ICH elements (or practices that are usually defined as ICH) remains subject to demands made by concerned cultural actors. These are conditioned in part by intergenerational transmission or market demands, which are themselves influenced by the general cultural offer. The

7) The term 'heritage' here refers to culture in the broad sense rather than to a segment of culture that has been specifically recognised as having heritage value. It is the federal equivalent to the Quebec ministry of culture.

weight of ICH development consequently rests almost exclusively on concerned practitioners and communities, often grouped together within special-interest NGOs. Therefore, the long-term safeguarding of this heritage remains dependent in this respect on specific actions undertaken by these groups.

1. Projects in Newfoundland

Quebec is not the only Canadian province to recognise ICH. Newfoundland and Labrador, the easternmost province, with a population of 500,000, released an active strategy in 2006 concerning its living heritage. This strategy serves as their basis for supporting a range of different efforts to safeguard ICH. Projects aimed at the documentation, celebration, transmission, and support of the cultural sector are currently under way, many of them led by the Heritage Foundation of Newfoundland and Labrador. One of the focal points of this strategy is the organisation of thematic events linked to ICH. These are created specifically with safeguarding objectives in mind. Events range in scope from the small ‘Tea with Hookers’ project that promotes and develops the work of rug hookers, to larger events such as folklife festivals around bonfires and the revitalisation of mummering (a Christmastime house-visiting tradition).

2. ICH Inventories in Quebec

Much like the federal government, Quebec supports some initiatives to promote practices that are usually defined as ICH, even if these subsidies are only indirectly granted for ICH safeguarding in that they take place outside any specific policy related to it.

The heritage and museums department of Quebec’s cultural ministry has also supported five national heritage organisations working mainly in the ICH sector for many years. This is certainly a first step toward a specific strategy to support ICH.

Moreover, some important efforts have been made thus far *in the name of ICH*. These have been mainly directed towards classification and surveying. Since 2004, the province of Quebec has undertaken an ambitious online inventory, whose pilot project was initiated even before the adoption of the 2003 UNESCO Convention.

Thus, the Inventory of ethnological resources of intangible heritage (IREPI), led by a research chair at Université Laval, ensured the cataloguing of a good number of tradition bearers in Quebec. Furthermore, it has provided numerous ethnology students with an education in relation to the preparation and the organisation of field notes and audio-visual content. Most of all, the IREPI has provided a chance to test the effectiveness of a large-scale inventory-gathering enterprise to evaluate its methodology, the necessary partnerships, and the impact of results obtained.

Admittedly, the IREPI has not fulfilled all expectations. Experience has shown for instance that very few people use this tool. This calls into question one of the only specific obligations listed in the 2003 Convention, that of drawing up ICH inventories. This multilateral treaty, much like Quebec's Cultural Heritage Act, remains mute on the objectives and the specific target audience for ICH inventories. Better understanding of these underlying objectives is necessary to provide a strong orientation for the realisation process.

This raises a question: what purpose should the inventory serve?

- a) As a system of recognition and cataloguing of ICH for administrative ends?
- b) As a means of promotion?
- c) As a tool for practitioners?
- d) As an archival fonds (conservation and memory) for the future?

Many think that national inventories perform one or more of these functions a priori, perhaps even all four at the same time.⁸ However, it seems far from certain that an extensive register is the best possible tool for these ends. Quebec's experience suggests that inventories do not serve as attractive promotional tools for the general public⁹ and that more targeted means can better fill this function.

8) There are also other possible functions, notably the registration of elements to prevent their misappropriation, more specifically concerning the intellectual property of traditional indigenous practices. On the pros and contras regarding that matter, see for instance Toshiyuki Kono (ed.), *Intangible cultural Heritage and Intellectual property*, Intersentia, Portland, 2009, 415p.

9) The subjects gathered together within this inventory have few links between themselves aside from their recognition as ICH. Consequently, they are associated with very different pools of specialists and target audiences. The Scottish experience also shows that such an inventory, even when it is built in Wiki form, does not have much drawing power for web users or tradition bearers (see Alison McCleery and Joanne Orr, 'Intangible Cultural Heritage in Scotland: Developing appropriate methodologies', in A. Gauthier (ed.), *op. cit.* (to be published in 2012).

A wide-ranging inventory may not be the best vehicle to present cultural content, techniques, or manifestations to promote their use by practitioners—also known as ‘mediators of living heritage’¹⁰ in Quebec. In other words, this inventory has not provided an efficient means of transmission. The experience has also revealed that important archival fonds on ICH already exist in Quebec, many of which are not easily accessible, and that it is not necessary to work within an inventory developed around a broad-range ethnological collection schemes to produce useful analytical field work.

This leaves us with the function that considers inventories as management tools. The online PIMIQ database of Quebec’s cultural heritage presently serves this purpose. It includes elements added by partners of the ministry of culture, such as municipalities and IREPI. However, under a system wherein ICH is recognised by official statutes, such as the ‘designation’ specified in the Quebec act of 2011, the purpose of such a tool becomes less obvious. Does it consist of a preliminary long list from which suitable candidates for designation could be chosen for the Register, a list set up using different criteria than those applied for designation? Does it consist of an indirect mechanism for recognition by communities?

Whatever the case, if the inventory is primarily intended for administrative ends, different resources should be assigned to it than those required to complete other functions.

Of course, the role of the state, once it is committed to safeguarding ICH, involves much more than knowledge, research, and inventories. This is well illustrated by the fact that the clause on the minister’s grant-distributing powers in the proposed Quebec Cultural Heritage Act was amended.¹¹ If the inventory is to be seen first and foremost as an administrative tool, the state is, therefore, required to adopt complementary measures to ensure the efficient transmission, promotion, and development of ICH. In other words, it is required to do this in order to fulfil the b, c, and d functions listed above.

Another inventory-making initiative was launched in Quebec, this time with

10) See CONSEIL QUÉBÉCOIS DES RESSOURCES HUMAINES EN CULTURE, *Charte des compétences du médiateur du patrimoine vivant*, October 2009.

11) Through the initiative of the Conseil québécois du patrimoine vivant (CQPV), article 78.5 of the proposed bill was modified in order to allow financial support not only for ‘knowledge’ of the ICH, but also for its ‘transmission’ and ‘enhancement’ (mise en valeur).

the purpose of addressing function d listed above—namely, creating a document to preserve the memory of certain practices for posterity. The inventory of intangible religious heritage (IPIR), launched in 2009, surveys the traditions—more than the tradition bearers themselves—through the presentation of thematic life stories. This is an interesting method, as it eliminates the interminably unfinished character of the IREPI. Aside from the fact that it raises questions about the role of a secular state like Quebec in taking action on religious practices, it fulfils its documentary role by presenting video briefs, photos, and descriptions.

However, with the limited resources available for culture, more specifically for ICH, one wonders whether this type of inventory is the best type suited for all ICH elements taken individually. It would be necessary to measure the true impact of the inventory-as-memory on the present and future practice of ICH elements, and through this, evaluate the relevance of the documentary function in comparison with the a, b, and c functions listed above. Once more, this study would require gauging how the tool is used.¹²

The call to create ICH inventories included in the 2003 Convention nourishes a temptation for governments to invest a large part of their safeguarding efforts on inventories. This is because inventory-creation is a visible measure that allegedly deals with ICH in all its forms—a politically attractive option—because it does not usually necessitate changes in the administrative structures and programs of public institutions and because it presents itself in relatively comparable forms on the international stage. However, it is essential to keep in mind the objective of safeguarding ICH (as defined in the 2003 Convention) and to evaluate the inventory making in terms of this objective.

12) Since 2010, another inventory project is seeking to catalogue, gather, and document traditional knowledge about botanical specimens within the Innu nation of Mashteuiatsh. *The Inventaire des savoirs et connaissances des Pekuakamiulnuatsh sur les plantes médicinales* aims to recognise, protect, and promote this living heritage of First Nations (see Géraldine Laurendeau, in A. Gauthier (ed.), *op. cit.*, to be published in 2012). This raises the hypothesis that, in the case of traditional knowledge—especially knowledge that is in danger of disappearing, and especially when gathered under a very specific theme—the inventory provides a considerable conservation dimension that can serve as the basis for a salutary campaign of promotion, development and transmission. However, this type of ‘small-scale’ data collection is in some ways similar to the systematic information gathering in the context of action research.

III. The Role of International Networks in Safeguarding ICH in Canada

The exchange of information on inventories (best practices, methodologies, expected impact, statistics on actual use, etc.) seems useful to safeguard ICH on an international scale because states are now under the obligation to draw up inventories and because the ICH Convention came into force relatively recently (in 2006). Furthermore, global dissemination of the methodology and results of socio-economic studies relating to specific ICH elements is beneficial as well as information on public administrative actions taken to influence conditions allowing for the practice of ICH. In the words of professor Gerald Pocius of Newfoundland, ‘We continue to learn from other countries, as we endeavour to put our ICH policy into practice’.¹³ Consequently, I intend to listen to the presentations at this meeting of experts organised by the ICHCAP with an attentive ear.

In April 2011, the Quebec council for living heritage (CQPV) organised an international conference entitled Measures of Support for Intangible Cultural Heritage: governments, Institutions, and Municipalities, which took place in Quebec City. In the presence of Ms Christine St-Pierre, Quebec’s Minister of Culture, and Mr. Koïchiro Matsuura, former Director-General of UNESCO, this event gathered speakers from over fifteen countries as well as leaders of organisations, municipal representatives, professionals from the educational sector, researchers linked to ICH, artists, and artisans. The objective of this very successful conference was to favour the exchange of expertise between governments as well as among other parties interested in safeguarding ICH.

Other knowledge-sharing initiatives have emerged from Canada. Professors at Université Laval, for instance, have acted as consultants in the recent establishment of a national ICH inventory in Haiti. Haitian exchange students are also invited to pursue research at this Canadian university. While it is still too early to evaluate this project, it certainly serves as an example of a positive desire for international cooperation.

In addition to the exchange of expertise—especially since Canada is formally absent from the UNESCO bodies dedicated to ICH—international cooperation

13) Gerald Pocius, ‘A review of ICH in Newfoundland & Labrador,’ *Intangible Cultural Heritage Update* 16, May 2010, p. 2, quoted by Dale Jarvis, in A. Gauthier (ed.), op. cit. (to be released in 2012).

and the creation of networks have yielded many positive actions to favour the safeguarding of ICH within the country. In fact, it is not always the networks that set themselves up *on behalf of* the ICH that take action to safeguard this heritage. Therefore, the creation of formal or informal international networks allows Quebec's traditional music artists, for example, to live from their practice through the development of new audiences. These include organisations such as Folk Alliance, festival networks, showcase platforms, music conferences, specialised magazines, prizes and awards, etc. Since it becomes possible to make a living from this art form, particularly when a given community or an existing audience is limited in scope, and because professionals can serve as positive models within their respective milieus, the practice of the ICH element within the concerned community is reinforced. These diverse networks therefore represent an interesting subject for future analysis by public administrators concerned with ICH.

With regard to ICH, two Quebec concepts have emerged on the international stage. Economuseums transform workspaces into cultural spaces where visitors are allowed to observe and understand the know-how of artisans at work while also being able to buy the artisans' products. The objective is to foster 'heritage that earns a living.' This concept has met with indisputable success and has benefited from the help of numerous regional authorities. The network of Economuseums, grouped into an NGO, now has thirty-six establishments in Quebec, many others in Canada's maritime provinces, and seven in Europe, mainly in Norway. In Quebec, these establishments have annual revenues of 32 million dollars and attract over 600,000 visitors per year.

The *Jeunes musiciens du monde* (Young Musicians of the World) NGO came to light in Kalkeri, India, after Quebecers inaugurated a school for underprivileged children. These children live at the school and receive a free, quality education with an emphasis on music. This initiative has since taken root in four Quebec locations, including one indigenous community. Youth from underprivileged neighbourhoods have the possibility of following an extracurricular class in local traditional music. This is financed in part through benefit shows drawing in celebrities around the cause.

All these efforts toward international partnerships and collaboration have strengthened the credibility of numerous NGOs. Active membership in structured international networks has also increased the political influence of NGOs throughout Quebec and Canada. This recognition, at times associated

with international prestige, constitutes a substantial asset when pressuring the government of Canada to sign the 2003 Convention. Likewise, the international consensus around ICH has had a definite effect on the policies and actions taken to promote this heritage within the country. Were it not for the 2003 Convention, for example, it is uncertain whether Quebec or Newfoundland would have reserved a place for this type of heritage within their respective policies. The very existence of the UNESCO convention serves as evidence toward a global need to take action toward local ICH, and the call for international cooperation contained therein is highly relevant.