

**Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg,
Chwaraeon, a Chysylltiadau Rhyngwladol**

**Culture, Communications, Welsh Language,
Sport, and International Relations
Committee**

The Rt Hon the Lord Goldsmith KC
Chair, International Agreements Committee
House of Lords
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25 March 2024

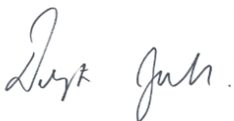
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

Dear Lord Goldsmith,

Our Committee has recently considered the UK Government's plans to ratify the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. We have agreed to maintain a watching brief over implementation of the convention as it relates to devolved matters falling within our remit. We await with interest the findings of the UK Government's public consultation on the first stage of the convention's implementation. I write to share with you the responses we have received from the Welsh and UK Governments about the involvement of the devolved administrations in these plans and the anticipated benefits of the convention for our shared cultural heritage.

We welcome the International Agreement Committee's support in the securing of international agreements, and we will continue to copy you into future correspondence on matters of shared interest. I am copying this letter to the Chair of the Senedd's Legislation, Justice and Constitution Committee.

Yours sincerely



Delyth Jewell MS
Committee Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS
Prif Weinidog Cymru/First Minister of Wales

Dawn Bowden AS/MS
Dirprwy Weinidog y Celfyddydau, Chwaraeon a Thwristiaeth
Deputy Minister for Arts, Sport and Tourism



Llywodraeth Cymru
Welsh Government

Delyth Jewell AS/MS
Chair
Culture, Communications, Welsh Language,
Sport, and International Relations Committee

6 March 2024

Dear Delyth,

I am writing in response to your letter dated 9 February regarding the UK Government's plans to ratify the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

The Welsh Government welcomes the UK Government's proposal to ratify the UNESCO 2003 Convention for Safeguarding of the Intangible Cultural Heritage and the launch of a public consultation on the initial stages of implementation.

This is an opportunity to raise awareness and the profile of Intangible Cultural Heritage (ICH) in Wales for the benefit of current and future generations and to showcase the diverse traditions and heritage that exist here.

The process of ratifying the Convention is still in its early stages and therefore many areas remain unclear. The UK will be the state signatory, but it is of course important that the UK works with devolved governments as part of taking this work forward. A number of the questions you raise resonate with concerns which the Welsh Government has expressed in its consultation response, and this is attached as Doc 1.

As set out in the consultation documents, the nomination of items of ICH for the inventory should be bottom up and community led, and we agree with the approach that ICH can only be heritage when it is recognised as such by the communities, groups or individuals who create, maintain and transmit it. The Welsh Government will not be expressing preferences on what we would like to see included in the inventory, however we will encourage and support communities, groups or individuals who wish to submit items.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

You will see in the consultation documents that DCMS is proposing that compatible inventories are created for each of the four nations of the UK, as well as for participating Overseas Territories or Crown Dependencies. Each inventory will then be collated into the National Inventory of Intangible Cultural Heritage in the UK.

The consultation document does specifically suggest that inventories created for each part of the UK could draw on and complement existing inventories, for example, the list maintained by Museums Galleries Scotland, and the Red List of Endangered Crafts compiled by Heritage Crafts.

Contact with the UK government in respect of UNESCO conventions takes place at a number of levels. In March 2023, as part of a programme to launch Wales in France, the First Minister visited UNESCO in Paris. The Welsh delegation, comprising representatives from Wales Arts International, Amgueddfa Cymru, Urdd Gobaith Cymru, and the Office of the Future Generations Commissioner, alongside the First Minister, engaged in discussions with several senior UNESCO officials on topics including youth, culture, language and heritage.

Lord Parkinson of Whitley Bay, Parliamentary Under-Secretary of State for Arts and Heritage is the Minister responsible for the ratification of the Convention and also the ongoing implementation of the UNESCO World Heritage Convention to which the UK is already a signatory. Lord Parkinson provides updates on actions relating to UNESCO conventions in writing and through meetings with myself as Deputy Minister for Arts, Sport and Tourism and equivalent Culture Ministers in Scotland and Northern Ireland. During the past year this has included discussions in respect of the UK tentative list for WHS nominations and the proposal to ratify the ICH convention.

Welsh Government officials in Cadw support practical delivery of the UK's international obligations in respect of the implementation of the UNESCO World Heritage Convention including participating in advisory groups operating at UK level. Officials from the Welsh Government have participated in discussions with DCMS officials in advance of and during the present consultation process for ratification and implementation of the ICH convention.

The arrangements for collating and maintaining intangible cultural heritage inventories is the subject of the current consultation and will be the responsibility of the UK State Party.

Following consultation, the Welsh Government looks forward to working with the UK Government on the policy paper which will outline the details of how the UK plans to implement the Convention. We expect this paper will include monitoring and compliance arrangements.

Wales has a distinct culture and heritage and the Welsh Government is supportive of the inventory representing both traditional and contemporary culture and ensuring diverse practices are included that reflect a modern society. The inclusion within the criteria that "*The Intangible Cultural Heritage can originate from anywhere*", means that diverse traditions or practices by people who have migrated and settled in Wales over generations can also be recognised and celebrated. It is important to also note the criteria that the IHG item "*can be from any time*" and "*must be currently practised*".

There have been calls over a number of years to make St David's Day a bank holiday in Wales. The subject was debated by the National Assembly for Wales on 1 March 2000 and received unanimous support. However, the Welsh Government does not have the power to designate bank holidays.

Any new bank holiday would need to be added to the list of existing bank holidays in the Banking and Financial Dealings Act 1971. This is currently only within the gift of the UK Government. As the creation of bank holidays is not a devolved matter, a request had to be made to the UK Government to designate the day as a bank holiday in Wales. The UK Government formally rejected the request in October 2002 and successive UK Governments have maintained this position.

We will continue to make the case for the devolution of the powers to the Senedd and the Welsh Ministers to make St David's Day a bank holiday.

Yours sincerely,

Handwritten signature of Mark Drakeford in black ink.

MARK DRAKEFORD

Handwritten signature of Dawn Bowden in black ink.

Dawn Bowden MS
Deputy Minister for Arts, Sport and Tourism

Response to DCMS Consultation on the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

The Welsh Government

General

1. The Welsh Government welcomes the UK Government's proposal to ratify the UNESCO 2003 Convention for Safeguarding of the Intangible Cultural Heritage and the launch of a public consultation on the initial stages of implementation.
2. Culture is a devolved matter. The Welsh Government values the commitment made by the UK Government to an inclusive, respectful and collaborative intercultural dialogue, and the recognition that there is no single government or organisation which can be responsible for the implementation of the Convention across the UK.
3. The UK Government should take an approach of equal partnership in relation to all decision-making pertaining to the signing of, and the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage in the UK.
4. The Well-being of Future Generations (Wales) Act includes a goal of '*A Wales of vibrant culture and thriving Welsh Language*'. The links between cultural participation and individual and community well-being, how culture supports community cohesion, and the need for sustainable approaches to supporting culture are key considerations in Wales, and this is true of intangible cultural heritage.
5. The articles of the UNESCO Convention emphasise the importance of formal and informal education and research, of building greater awareness, especially amongst young people, and of ensuring the widest possible participation as part of safeguarding activity. At present, the means by which this would be achieved are unclear within the information released for the UK consultation process.
6. The Welsh Government would welcome being sighted on the consultation responses received from Wales and being consulted further on drafts of the policy paper which will outline how the UK plans to implement the Convention in due course.
7. In ratifying the Convention, a commitment to long-term funding and other resources required to support safeguarding must be apparent. An early discussion is required to understand what level of resource can be made

available from the UK Government to support all aspects of ratifying the Convention.

The Inventory

8. The Welsh Government welcomes the proposal to create compatible inventories for each of the four nations of the UK, and that each inventory will then be collated into a national Inventory of Intangible Cultural Heritage in the UK.
9. The commitment to ensuring each nation is well represented on a UK inventory is noted, however, no specific detail has been shared about the process for reflecting the four nation inventories within the UK level inventory. Further discussion is required to understand how decisions will be made around the inclusion of Wales-based Intangible Cultural Heritage (ICH) in the UK inventory. The Welsh Government is eager to understand how a Wales inventory would be lifted and included in a UK level inventory, and where would the decision-making powers lie for this process. At this early stage, committing to ensuring a balanced approach, with full consultation and empowerment of each nation on the process of managing the UK level inventory content would offer reassurances.
10. The process for adding items to the inventory is described as a 'call for items' with submissions led by communities, groups or individuals followed by a 'light-touch' approvals process, with new entries announced on a regular basis – probably quarterly. The Welsh Government would welcome early discussions to clarify whether and how the process described relates to the UK inventory and the four nations' inventories.
11. The introduction to the consultation states that 'we will look to engage and provide support for those who wish to submit items.' As the Welsh language is afforded legal status in Wales, all support, processes and communications relating to the safeguarding of ICH must be provided in both English and Welsh.

Safeguarding

12. Safeguarding is being proposed as the second stage of implementation, to follow an initial stage of creating an inventory of ICH in the UK.
13. The implementation outline explains that '*safeguarding*' is generally understood to include raising awareness, building participation, ensuring sustainability, and supporting the passing on of skills and knowledge,' and that '*the question of what, where, and how ongoing safeguarding looks like does not ... have a straightforward answer.*'

14. The Welsh Government acknowledges that safeguarding is not straightforward and that approaches to safeguarding need to be flexible and responsive to the granular areas of ICH activity. However, Article 13 and 14 of the UNESCO Convention outline measures for safeguarding and education, awareness-raising and capacity building in far more detail than the UK's consultation document. The UK should reflect Articles 13 and 14 in how it defines approaches to safeguarding.
15. We note the Consultation explanatory document expresses that *'ratifying the Convention does not signal a commitment for any immediate action from the UK government, the devolved administrations, local government or associated public bodies ... we are starting with no assumptions as to what actions to increase and improve safeguarding should look like of focus on.'* We believe this statement risks undermining the commitment to ratify the Convention and suggests that in fact there is potential to do nothing. We would urge the UK Government to commit to immediate engagement with the devolved governments and key cultural stakeholders to agree next steps.

Not listing items at UNESCO's global list

16. The Welsh Government notes the UK Government's intention not to focus on nominating items of ICH from the UK for the first few years following ratification; that there is currently no commonly agreed way of assessing which ICH elements are more valuable and important in the UK, and that a small number of items selected for the UNESCO list may be inherently unrepresentative of the wider ICH across the UK.
17. We believe that ratifying and implementing the UNESCO Convention in the UK should include the objective to list items of ICH at UNESCO and that there is a need to start considering a UK framework for assessing ICH for listing at UNESCO. Waiting to address this issue for the first few years risks placing the UK at a disadvantage globally, undermines the importance of UK based ICH, excludes the UK from accessing international expertise and support via UNESCO, and is detrimental to the profile of UK based ICH.
18. Agreeing an approach to listing at UNESCO will require collaboration and joint decision-making across the four nations of the UK.
19. The Consultation explanatory document expresses that the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Article 17) and the Register of Best Safeguarding Practices are smaller and have more specific criteria for inclusion, and that the UK proposes to *'consider engaging with these once the Inventory of Intangible Cultural Heritage in the UK is up and running.'* The Welsh Government believes that these are important components of safeguarding ICH and that the UK should commit to engaging with the List and Register and should implement these in the UK as soon as possible.

Alongside the four nations' inventories, a four nation approach should be adopted for the List and Register.

Annex A - Responses to Survey Questions

1. Inventory Criteria

Criteria 1 – The Intangible Cultural Heritage must be currently practised.

The Welsh Government believes that there is a tension between the wording of criteria 1 and criteria 2 as currently expressed which could be addressed by merging them to read:

- The Intangible Cultural Heritage can be from any time, but must be currently practised.

AGREE

Criteria 2 – The Intangible Cultural Heritage can be from any time

Criteria 2 currently states that the UK Government does not wish to place a historical start date or ‘minimum age’ for any item to be included in the inventory. The Welsh Government believes that ICH activity can only become recognised, embedded and transmitted after a certain period of time. Not applying a ‘minimum age’ or a criteria for proving that a practice is established risks placing an unnecessary pressure on the maintenance of inventories and the work of approval panels. A ‘minimum age’ would be appropriate – this could be a decision for each approval panel, to enable them to be responsive to cultural and societal changes.

DISAGREE

Criteria 3 – The Intangible Cultural Heritage can originate from anywhere

The UNESCO Convention states that some practices are common to more than one country, enabling a practice to be inscribed by a number of different countries, for example, [falconry](#).

The Welsh Government agrees with the criteria, but the first explanatory bullet could be amended as the singular use of ‘culture’ may be perceived as exclusionary. We believe that this would be more inclusive if re-worded to say ‘... *specific to a culture, cultures or communities*’.

AGREE

Criteria 4 – The Intangible Cultural Heritage must be a living practice and can not be a material product or object

The explanatory bullets indicate that DCMS does not have responsibility for food and language. The Welsh Government notes the importance of working across government department boundaries in relation to safeguarding ICH.

STRONGLY AGREE

2. Are there any criteria in addition to the above that should be added in your view?

No. The Welsh Government believes that the UK should adopt the criteria of the Convention as expressed by UNESCO.

Communities

3. Are you supportive of the concept of community representation? If not, why not? What suggestions do you have for obtaining support for a community for a submission to the Inventory?

The Welsh Government is supportive of community representation and is committed to the concept of cultural rights and cultural democracy, where communities lead on identifying what is culturally important. We agree that items submitted for inclusion on the UK and four nations' inventories should be community led.

The Welsh Government strongly believes that any UK process should be actively aware of the unconscious biases that could arise during decision making processes where certain ICH items are intrinsically linked to a minority language, culture or community.

Ensuring the full breadth of community representation on an approvals panel is more difficult. An approvals panel should have a focus on ensuring it includes diverse voices, and whilst it is unlikely that a panel can be representative of all communities across the UK or within any of the four nations, panel membership should be ethnically/racially diverse.

The process for submitting items for inclusion on an inventory must therefore have two distinct areas of consideration:

1. whether the item has the support of, and is representative of a community of practice, and
2. whether the right lived experience and expertise exists on the approvals panel to enable a thorough and fair consideration of the item submitted for listing.

Enabling flexible approaches, for example, ensuring panels can commission expertise or temporarily co-opt members with the right lived experience to help with considering a specific inventory application will be important. Ensuring a regular review of approval panels' skillsets, supporting regular turnover of panel membership, and developing frameworks for shared learning across the UK will help enable approval panels to resolve problems and be responsive to emerging challenges.

There is a need to understand the role of the Welsh Government in providing support to communities who wish to submit items for inclusion on the Wales inventory.

Categories

4. What are your views on the 5 categories?

STRONGLY AGREE.

The Welsh Government believes that the UK inventory categories should align with the UNESCO categories.

5. What are your views on the additional category of Traditional games and sports?

NEITHER AGREE NOR DISAGREE.

Adding categories to the UK and four nation inventories may be helpful in safeguarding at UK level, but will not lead to these activities being recognised by UNESCO unless items listed in the UK inventory could be included within one of the five existing UNESCO categories. In this instance, traditional games and sports could be included under UNESCO's social practices, rituals and festive events category.

6. What are your views on the additional category of Culinary traditions / knowledge?

NEITHER AGREE NOR DISAGREE.

Adding categories to the UK and four nation inventories may be helpful in safeguarding at UK level, but will not lead to these activities being recognised by UNESCO unless items listed in the UK inventory could be included within one of the five existing UNESCO categories. In this instance, culinary traditions could be included under UNESCO's knowledge and practices or traditional craftsmanship categories.

7. In your view, should there be any additional categories? If so, what categories would you want included?

A brief review of other countries' approaches to inventory categories suggests that there may be some benefit in adding a 'skills' element to the traditional craftsmanship category, to read 'traditional skills and craftsmanship'. Folklore is also a popular inventory category addition and would work well for Wales.

Approvals process

8. Are you supportive of our intended approach to the approvals process?

NEITHER AGREE NOR DISAGREE.

The role of the Welsh Government in establishing an approvals panel for Wales is not clear in the explanation of the approvals process. We believe that the Welsh Government should play a lead role in considering and establishing an approvals panel for Wales, even if the intention is for the panel to be independent of Government.

Questions that will need to be addressed include the means by which appropriate members will be recruited to the panels. It is not clear whether the panel membership will be set up using a competitive, open and transparent process, similar to public appointments, how often the panel will meet, who will provide secretariat support, or whether these will be paid roles.

In addition to members with knowledge and experience of each of the category areas, and members from public bodies with responsibility and interest in those areas, it is important that the panels have a focus on diversity. In Wales, ensuring the panel provides appropriate regional representation and Welsh language skills will also be a consideration. In line with the legal status of the Welsh language in Wales, a Wales panel should be able to operate bilingually.

The proposed approach indicates no restrictions on re-applying for inclusion. If adopted, this should be supplemented by a common approach across the four nations and UK approval panels for dealing with vexatious applications.

Common terms of reference should be developed for all panels, with appropriate flexibility in place for four nation differences.

Article 8 of the Convention outlines the working methods of UNESCO's Intergovernmental Committee, and states that (3) The Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task; and (4) The Committee may invite to its meetings any public or private bodies, as well as private persons, with recognised competence in the various fields of the intangible cultural heritage, in order to consult them on specific matters. The Welsh Government believe that reflecting these approaches across the four nations' approval panels would be appropriate.

A UK approvals panel should include equal representation of each of the four nations.

Appeals from the four nations could be channelled upwards to the UK panel if the nation panel deems it appropriate.

Further information is required before the Welsh Government can support the proposed approvals process.

Review of the Inventory

9. Are you supportive of our intended approach to reviewing the inventory? Should the period of review be:

MORE OFTEN

Consideration should be given to an annual requirement for items to be reconfirmed by those responsible for submission so that items and contact details remain up to date. The proposal to move items to an inactive list if renewal does not take place is supported. The risk of longer periods between confirmation is for contacts to be lost and information held on the inventory to become increasingly out of date.

No details have been provided in the consultation regarding the membership, remit and responsibilities of the Safeguarding Committees and their relationship with the management of the Inventory. Welsh Government would welcome contributing to UK-wide discussions to agree appropriate approaches to this important element of the Convention in due course.



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Chair, Culture, Communications, Welsh Language,
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8 March 2024

INT2024/01850/DC

Dear Delyth,

Thank you for your letter to the Secretary of State for Culture, Media and Sport regarding our plans to ratify the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. I am replying as the Minister for Arts and Heritage.

Whilst the Department for Culture, Media and Sport (DCMS) will act as the 'State Party' to the Convention, as much of culture and heritage policy is devolved, I have worked closely with the Devolved Administrations as we prepare for ratification.

HM Government believes that a benefit of ratifying this Convention is to start conversations about the extraordinary range and breadth of intangible cultural heritage across the whole United Kingdom, so I warmly welcome your interest and am glad to respond to your specific questions:

- 1. What benefits can be expected from inclusion on the national inventory, such as access to funding or initiatives to support intangible heritage?*

The inventory is an important first stage in safeguarding intangible cultural heritage, and in ensuring the viability of intangible cultural heritage in the United Kingdom. Ratifying the Convention is intended to start a national conversation about cultural and community heritage and its value to the identity, pride and cohesion of our communities and people across all parts of the United Kingdom.

Inclusion on the inventory is the first step in this process. The initial benefit will be to recognise and raise awareness of the items that are included. Further aspects of safeguarding, such as seeking further funding or researching initiatives to support items on the inventory, will be considered as part of the ongoing conversations about how, collectively, we should safeguard living heritage in the United Kingdom.



2. *When it comes to the approval panels that will be allocated to each nation, how will the panel for Wales be established, and with which government will responsibility lie? For example, will the Welsh Government be determining the membership for the panel in Wales?*

We have been seeking public views on the functioning of the approval panels. We are now collating views and DCMS will work with the Devolved Administrations to agree next steps.

The Department has taken care to avoid making these panels burdensome or overly bureaucratic. That is why we are consulting in detail on the inventory criteria, in order to help make the approvals panel process as light-touch as possible.

3. *How does the UK Government envision a 'compatible inventory' operating, and how will the UK and Welsh governments work together to maintain the Convention's arrangements?*
4. *How will the UK Government work with the devolved governments to ensure the inventory is maintained?*

With regard to the inventories, continuing the approach of ensuring that implementation of the Convention is as light-touch as possible, DCMS and the Devolved Administrations have been discussing a model where the 'back end' or infrastructure for the inventories are managed in a single place. Each inventory will also use the same criteria and same submission format to minimise any duplicative effort.

It is a key aspect that intangible cultural heritage is not fixed and evolves as it is passed on from generation to generation. It is therefore also important that the inventories remain a living record and are kept up to date. We are also consulting on how best to ensure this and, as above, will launch discussions with the Devolved Administrations in due course.

Thank you again for your interest in this area. Intangible cultural heritage plays a hugely important role in the identity, pride, and cohesion of people and communities across the whole United Kingdom. I hope that, in ratifying this Convention, we can continue to work together to champion that role and the great value of our shared heritage.

With best wishes,



Lord Parkinson of Whitley Bay
Minister for Arts & Heritage