

Intangible Cultural Heritage and Indigenous Heritage

Brigitte Vézina

SunoikisisDC-2020-2021

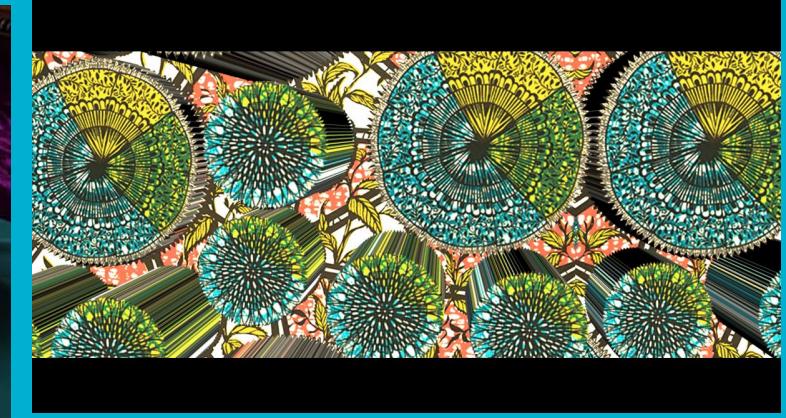
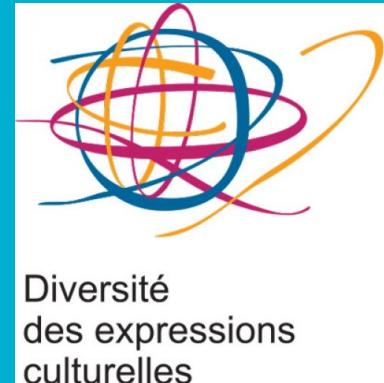


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Three Key Takeaways

1. GLAMs fulfill the mission of making cultural heritage accessible to the public. They play an instrumental role in preserving and allowing the public to access, use and recreate cultural heritage. They are entrusted with our collective memory — sharing that memory should be their highest priority.
2. Sometimes, that mission can conflict with the rights and interests of the holders of the cultural heritage – this is often the case for Indigenous and culturally-sensitive heritage – one big concern is that “sharing” can open the door to cultural appropriation, i.e. uses that are offensive and cause harm.
3. GLAMs are at a pivotal place where communities and users meet around the collections. They have an important role to play to ensure their cultural heritage is used respectfully and according to the wishes of their holders.

Cultural heritage in four major conventions



Illicit
Trafficking
Convention,
1970

World Heritage
Convention, 1972

Intangible Cultural Heritage
Convention, 2003

Cultural Diversity
Convention, 2005

Convention for the Safeguarding of the Intangible Cultural Heritage, 2003

- **Origins:** new conception of cultural heritage
 - sites, monuments and objects ...
 - ... Traditions or living expressions inherited from ancestors and passed on to descendants
- **Principle:**
 - useful for intercultural dialogue
 - encourages respect for other ways of life
 - important factor in maintaining cultural diversity in the face of globalization
 - guarantee of continuous creativity

What is intangible cultural heritage?

- Practices, representations, expressions, knowledge and skills
- Communities recognize as part of their cultural heritage
 - oral traditions
 - performing arts
 - social practices
 - rituals and festive events
 - knowledge and practices concerning nature and the universe
 - knowledge and know-how necessary for traditional craftsmanship



...transmission...

Mission: Safeguard but don't freeze

- Ensure its transmission, its communication, its effective viability:
 - identification and census (inventories)
 - documentation, study and research
 - protection
 - transmission through education
 - enhancement and revitalization
- Consent and participation of communities
 - customary rights and practices
 - relevance - sense of identity



Conservation, preservation and safeguarding of culture

- Identification, documentation, transmission, revitalization and promotion of cultural heritage
 - Ensure its existence and viability for future generations
 - Prevent it from deteriorating, disappearing

For peace and development ...

Documentation : essential function for cultural heritage

- Conservation, preservation and safeguarding
 - Ensure its survival, revitalization, maintenance, continuity, viability, transmission to future generations
 - Prevent its disappearance, its loss
- Promotion
 - Help understand and respect different cultures
 - Encourage dissemination and exchange
 - Education and access for researchers and the public
 - Ensure rich cultural diversity

Examples of documentation

- Audio and audiovisual recordings (analogue or digital) of songs, rituals, etc.
- Photographs of textiles, pottery
- Written descriptions of traditional oral histories
- Interviews with tradition bearers



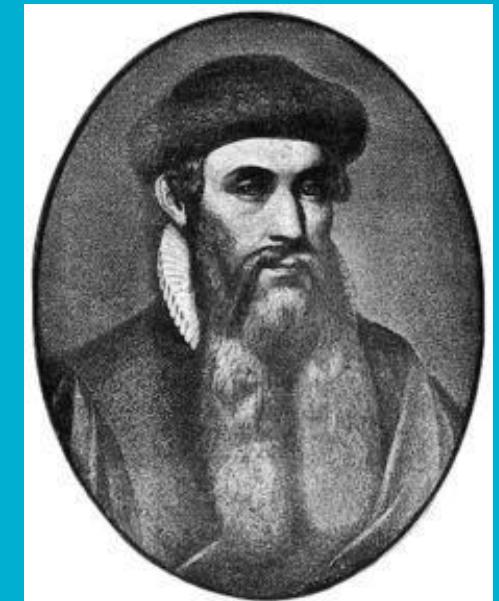
Looking to the past?
But how to support contemporary cultural production?
In our globalized societies?

Culture and intellectual property: copyright



Copyright in a nutshell

- A set of **exclusive rights**
- Granted to **creators**: authors, composers ...
- On their creations ("**works**") : books, music, films, paintings, video games, databases, product catalogs, instructions for use, labels, etc.
- For a **limited period** (author's life + min. 50 years)
- In order to:
 - **control** the economic exploitation of works
 - receive **payment**
 - protect **reputation** and **integrity**



Major international copyright instruments

Berne Convention for the Protection of Literary
and Artistic Works, 1886



(Universal Copyright Convention, 1952)



TRIPS Agreement, 1994



To be protected, a work must be original

Any new work is in a way based on the works that preceded it

- ≠ novelty, ingenuity, aesthetic merit
- Not copied (independent creation)
- A minimum of creativity (the threshold varies from country to country)
- The author must be "at the origin" of the work

What is copyright “protection”?



Protection against misuse and illicit appropriation

It's not about preservation

- protection against loss or degradation*

Nor about safeguarding

- revitalization for future generations*



What is the public domain?

- Items ineligible for IP protection, the content of which can be used by anyone for any purpose
- In the public domain
 - non-protectable objects
 - term of protection expired
 - holder has expressly waived his rights



CC0

“No Rights Reserved”



CC0 enables scientists, educators, artists and other creators and owners of copyright- or database-protected content to waive those interests in their works and thereby place them as completely as possible in the public domain, so that others may freely build upon, enhance and reuse the works for any purposes without restriction under copyright or database law.

In contrast to CC's licenses that allow copyright holders to choose from a range of permissions while retaining their copyright, CC0 empowers yet another choice altogether – the choice to opt out of copyright and database protection, and the exclusive rights automatically granted to creators – the “no rights reserved” alternative to our licenses.

Public domain and world heritage of humanity: two terms for one concept?

Guarantee for the good understanding between people?

Isabel Marant and the Mixe huipil



“the Blouse of Tlahuitoltepec is in the public domain... so anyone can freely draw inspiration.”

— Wikipedia, “Isabel Marant” (French version)



https://fr.wikipedia.org/wiki/Isabel_Marant

Public domain = Free to reuse?

“Public domain” is concept used in copyright; to oversimplify, it’s what’s **not protected**.

Copyright does not account for the ways in which traditional cultural expressions are created, collectively held, and transmitted through the generations. It does not reflect or account for Indigenous cultural values, interests or rights.

Many forms of Indigenous heritage are not protected under copyright and thus in the public domain.

Copyright

—> Freely available for use and reuse

Cultural rights, customary law, laws on
Indigenous cultural heritage, **ethics...**

—> **Access, use or reuse may not be allowed**

What is cultural appropriation?

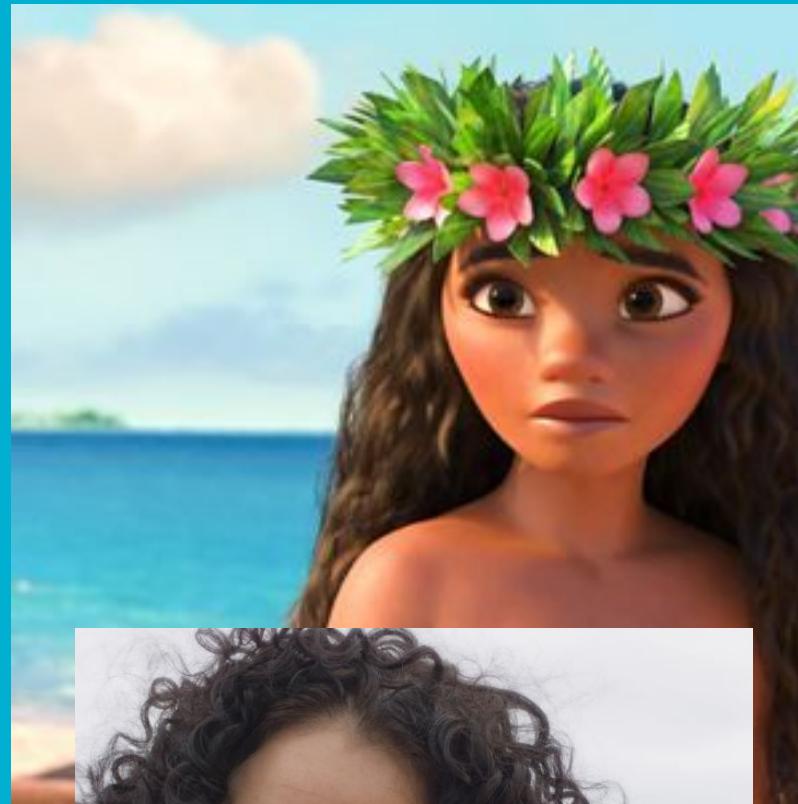
1. Use of a (traditional) cultural expression (a legend, a dance, a song, a pattern, an embroidery, a design, a textile, a piece of jewelry...) in a **different cultural context**
2. In a situation of **power imbalance** (the taker is from a relatively dominant culture)
3. **Without** any **involvement** of the source culture (no acknowledgement, no payment, no permission...)
4. That results in **harm** to the source culture (economic, social, cultural harm...)

The funny thing is that, under (the IP) system, it's okay for individuals or companies to harvest images, words, songs etc from native cultures if they are “in the public domain.”

That's despite the wee fact that such cultural icons sprang from the intellect of Maori ancestors and iwi.

It's been described by some as simply another wave of colonisation.

Moana Maniapoto, « A brand-new princess of colour – is it black and white? », *e-Tangata*, 20 nov. 2014



Risks associated with documentation

- Disclosure + Availability
 - digitization, making available online
- Increased vulnerability to unauthorized, illicit or abusive use
- Any member of the public can use without restriction (public domain)
- Loss of control over heritage by its holders
- Adverse effects: culture, rights and livelihoods

Cultural heritage in museums: torn between two ties

- an ownership tie with the institution that “owns” it
- a stewardship or custodianship tie with the community that “holds” it

How can these two ties be reconciled? Especially in the digital world?

What can GLAMs do?

1. Acknowledgment— Recognize and affirm the interests that Indigenous peoples have in their cultural and intellectual property, existing both inside and outside conventional copyright law.
2. Partnership— Form authentic and meaningful relationships with source communities, understanding and taking into account customary law and protocols, and determining community needs and wishes about their cultural heritage.
3. Guardianship— Actively respect community decisions regarding digitization, access, and use, giving Indigenous communities full agency over how their cultural material is treated.

What can users do?

Four steps to avoid engaging in harmful practices:

1. Use with **respect** – research the culture and make sure you understand the meaning embedded in a cultural expression and do not distort that meaning
2. Give **credit** where credit is due – acknowledge the source
3. Use as **little** as possible and add a lot from your own imagination
4. Ask for **permission** from the source community, engage in a genuine dialogue, enter into **collaborations** and share in mutually beneficial ways.

Thank you!

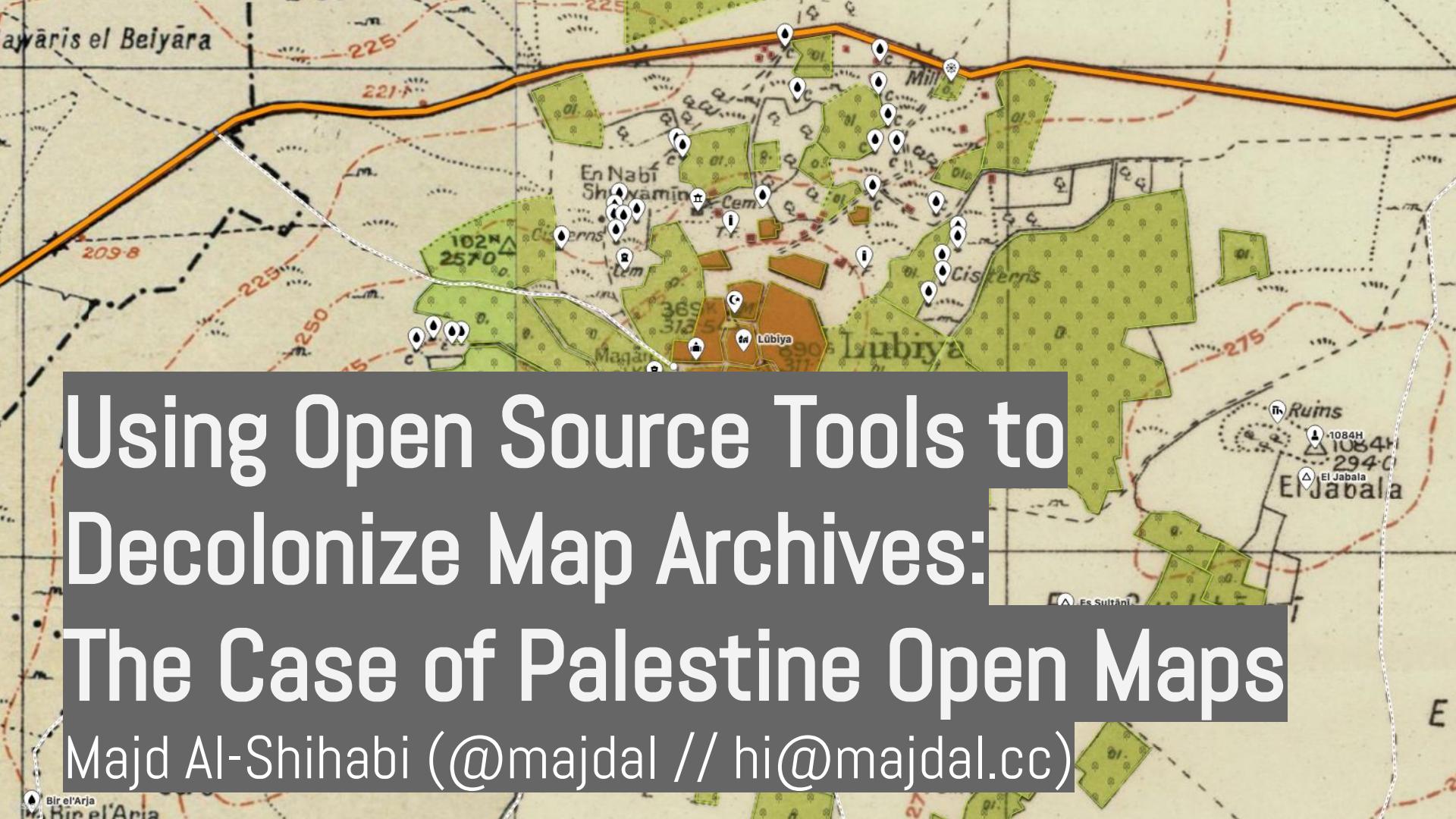
brigitte@creativecommons.org



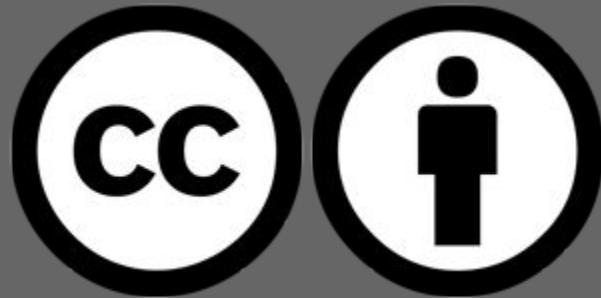
Brigitte_Vezina

Using Open Source Tools to Decolonize Map Archives: The Case of Palestine Open Maps

Majd Al-Shihabi (@majdal // hi@majdal.cc)



bit.ly/pom-ich



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Demo Time
PalOpenMaps.org

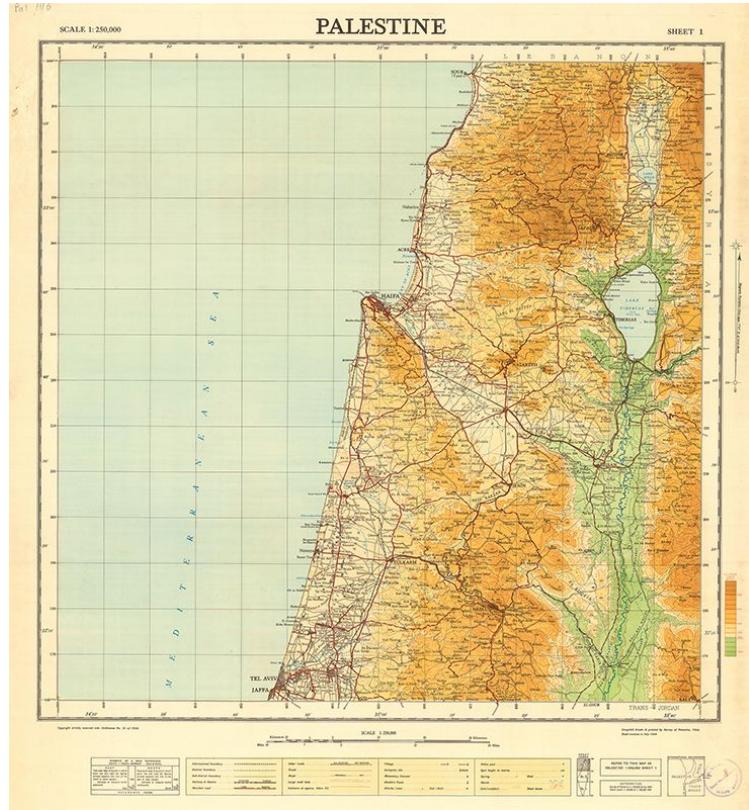
Maps as power



"There are few countries in the world in which surveying and mapping played so much important role in its history. Palestine, the Holy Land, was long coveted by foreigners, primarily the Crusades and European colonists. **They wanted to know its physical and historical characteristics as a prelude to conquering the land.**"

SALMAN ABU SITTA, 2004

Maps as erasure



1:250,000 map sheets
Palestine, 1946
Israel, 1951

The Second Nakba

The Second Nakba



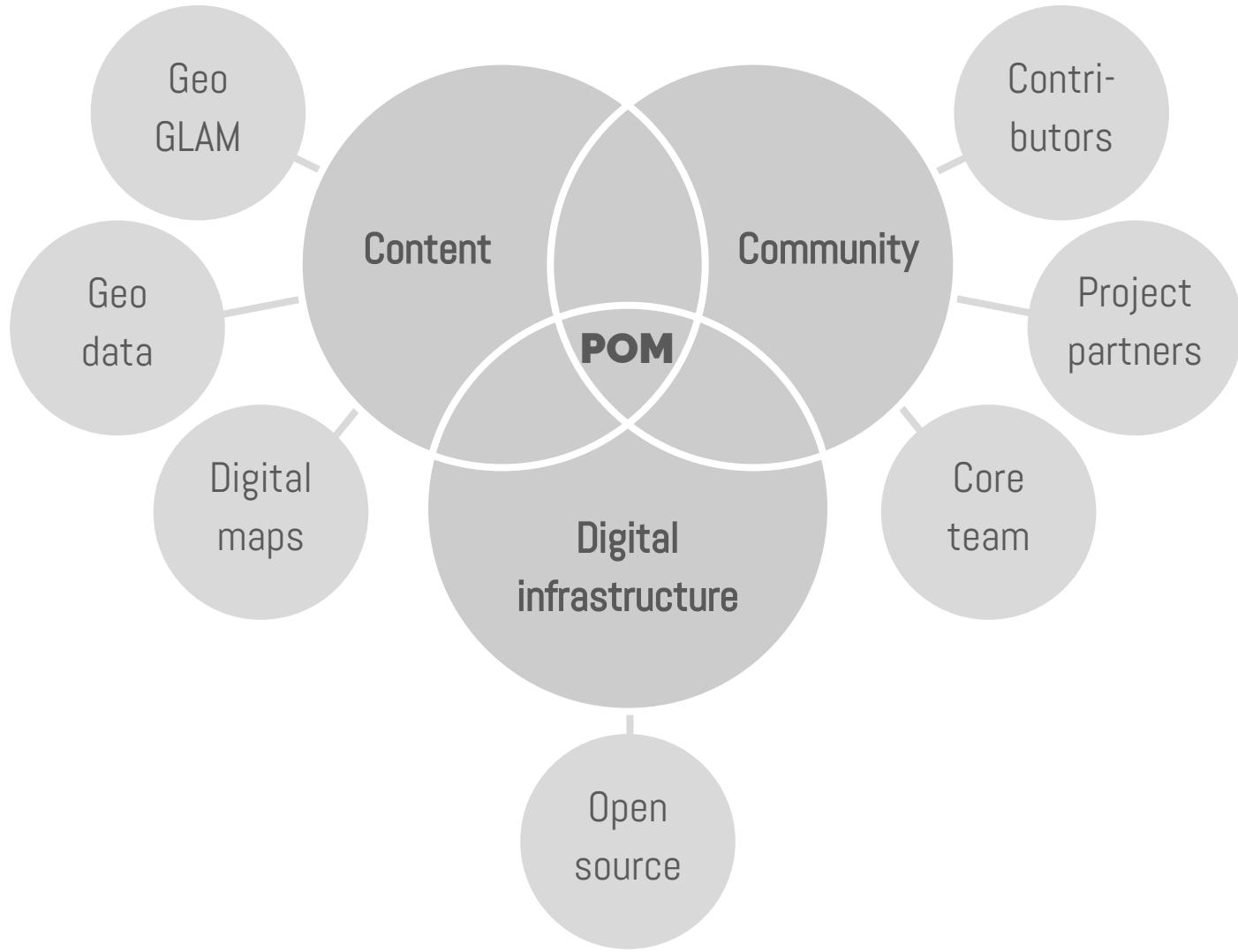
Source: Zochrot

1. The last series of detailed maps covering **Palestine before the Nakba**, and before its partition
2. **Dense with physical detail**, including geographic features, 3D contours and urban areas of towns and villages
3. Dense with **original Arabic place names**, not just of the hundreds of towns and villages, but also thousands of landscape features.
4. Unlike maps covering the whole of Palestine, this series offers **detail at an intimate local level** and is not defined by the iconic outline of the country as a whole

Project Aim

To 'open-source' these maps,
making them easily accessible
and navigable, meaningful and
reusable by real people.

1. To make the individual maps available for people to **download in high resolution.**
2. To combine the maps into a single geolocated tileset, **allowing slippy map navigation** of pre-1948 Palestine, and to allow this to be overlaid with the present day geography.
3. To **combine the maps with data from other sources** including the 1945 survey of Palestine to allow people to navigate, search, filter and interact in other ways.



Open methodology is the premise



Bourj Shemali



London



Cambridge



Beirut



Baddawi



Milano



Amman



Lisbon



Berlin



Tripoli



The British Library



SAVAC



Baddawi refugee camp, Lebanon



Kitchener, Ontario

Uses

Current

1. Palestinian Oral History Archive
2. Palestine, today
3. Walking tours of south of Lebanon
4. Then & Now with Tarek Bakri
5. Wikipedia articles
6. Installations/exhibitions
7. Palestine 3D

Aspiration

1. UNCCP archive (one day...)
2. Journey of Return
3. Map reproductions
4. Installations/exhibitions
5. South-south collaborations
(Mumbai maps)
6. Feeding data to open data repositories (OpenHistoricalMap, Wikidata, Wikipedia, World-Historical Gazetteer, etc...)
7. PhD!

PALESTINE JAFFA SUB-DISTRICT

JAFFA

ISSUED
NOT BY TURKEY PUBLICATIONS

00 SERIES SHEET 12-16

1

This historical map illustrates the rapid urbanization and expansion of Tel Aviv and Jaffa between 1920 and 1945. The map is framed by a grid of latitude and longitude lines, with the x-axis ranging from 170 to 130 degrees East and the y-axis from 181 to 169 degrees North. The city of Jaffa is shown at the bottom left, while Tel Aviv has grown significantly to the north and east, becoming a major urban center. The map also shows agricultural land, roads, and other geographical features of the coastal region.

General Map, Public Surveyor 1954, Large Scale Sheet Plan 100-32
and Large Scale Town Plan 1954.
First Published as a Preliminary Sheet, March 1953 & Revised 1956.
Printed by the Government Printer, Wellington, New Zealand.
Postal & Publishing Division, Survey of New Zealand 1955

PALESTINE JAFFA SUB-DISTRICT

JAFFA

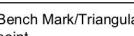
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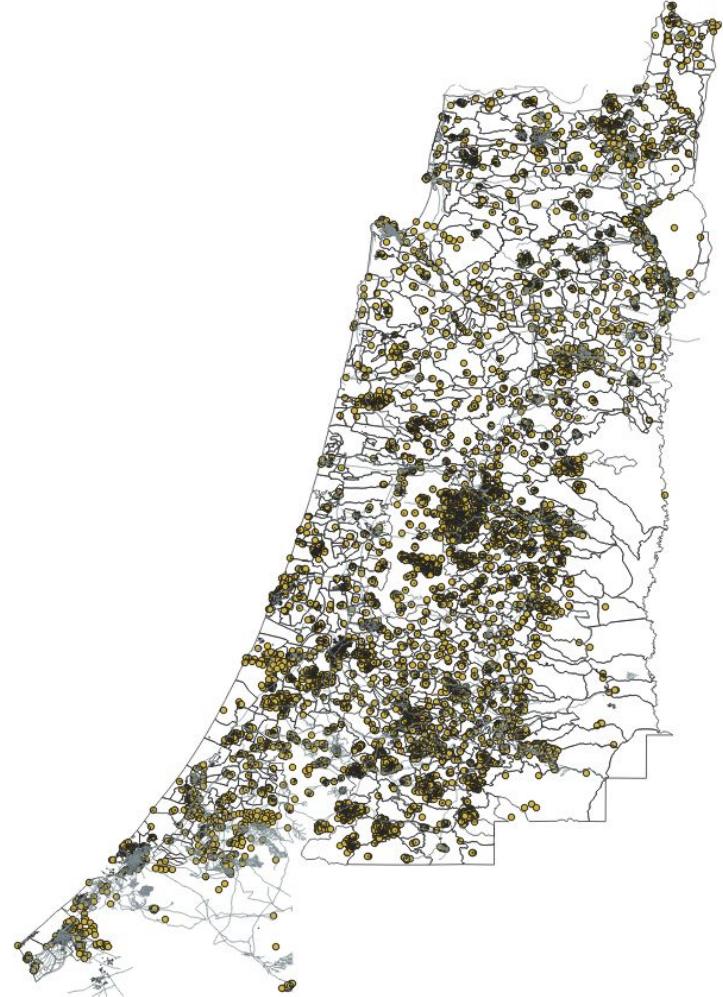
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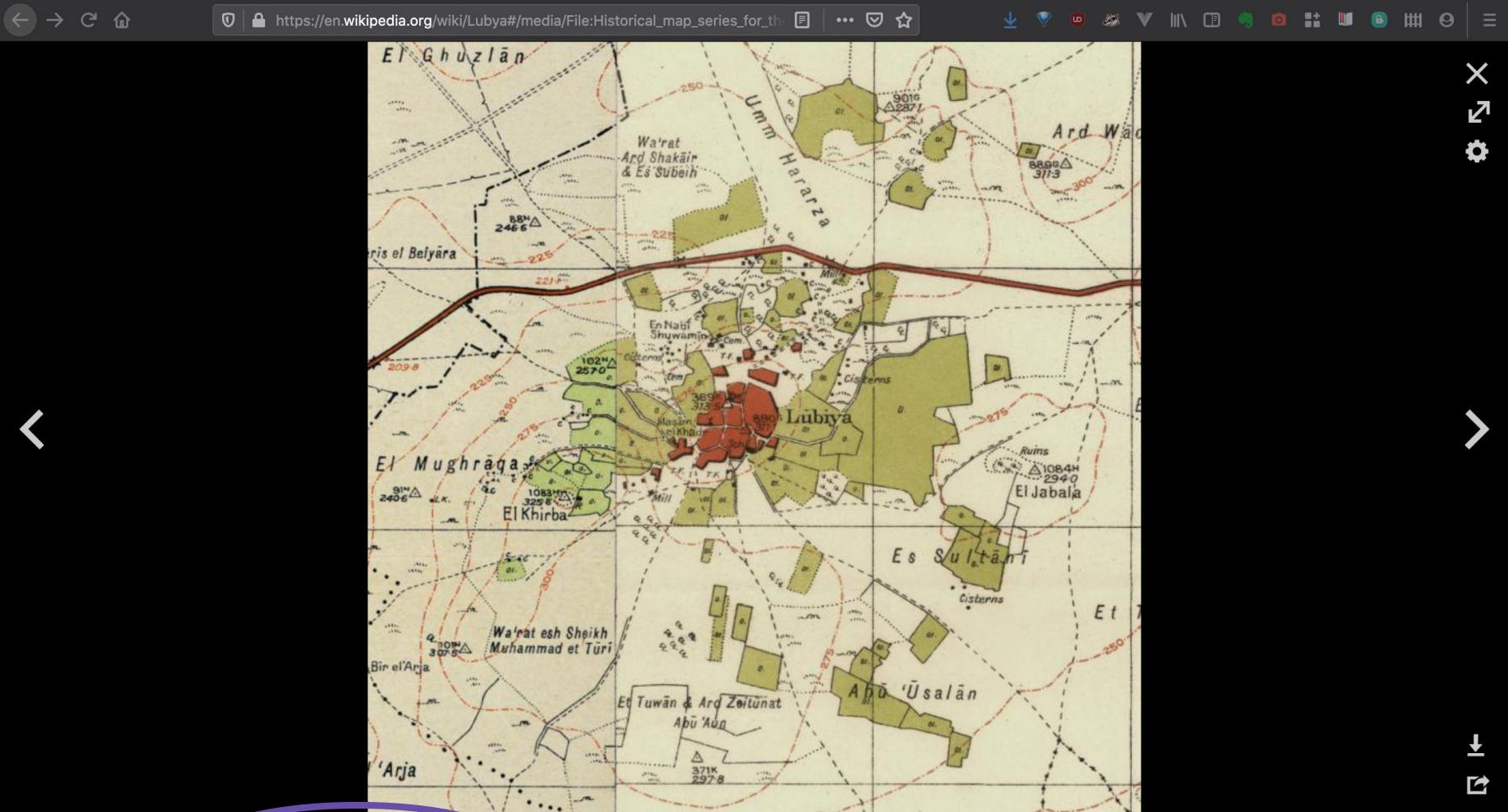


| | | | |
|---|------|------------------------|------|
| <i>Triangulation Point (Co. & Height in Metres)</i> | 711A | 316Δ | |
| Bench Mark..... | 224↑ | Cave..... | 3 |
| Railway Station..... | STA | Kilo. Post (Rly.)..... | MM12 |
| Isolated Building..... | = | Ruin..... | u.R. |
| Church..... | Ch. | Synagogue..... | Syn |
| Mosque with Minaret..... | M.♦ | Sheikh's Tomb..... | ♦ |
| Threshing Floor..... | TF. | Limekiln..... | LK |
| School..... | Sch. | Cemetery..... | Cem |
| Post Office..... | PO | Lighthouse..... | ¤ |

| Original Label | type | POM tag / label |
|--|-------|------------------------------------|
|  or  | A | Residential area |
| Bench Mark/Triangulation point | P | Survey Point |
| Cave | P | Cave Entrance |
| Railway Station | P | Train Station |
| Kilo. Post (Rly.) | P | Highway/Railway/Waterway Milestone |
| Isolated building | A | Building |
| Ruin | A/P/L | Ruins |
| Church | P | Church |
| Synagogue | P | Synagogue |
| Mosque with Minaret | P | Mosque |
| Sheikh's Tomb* | P | Wayside Shrine |
| Threshing Floor | A | Silo |
| Limekiln | P | Factory products=lime |
| School | P | School Grounds |
| Cemetery | P | Graveyard |
| Post Office | P | Post Office |
| Lighthouse | P | Lighthouse |

Open Data Commons Attribution License



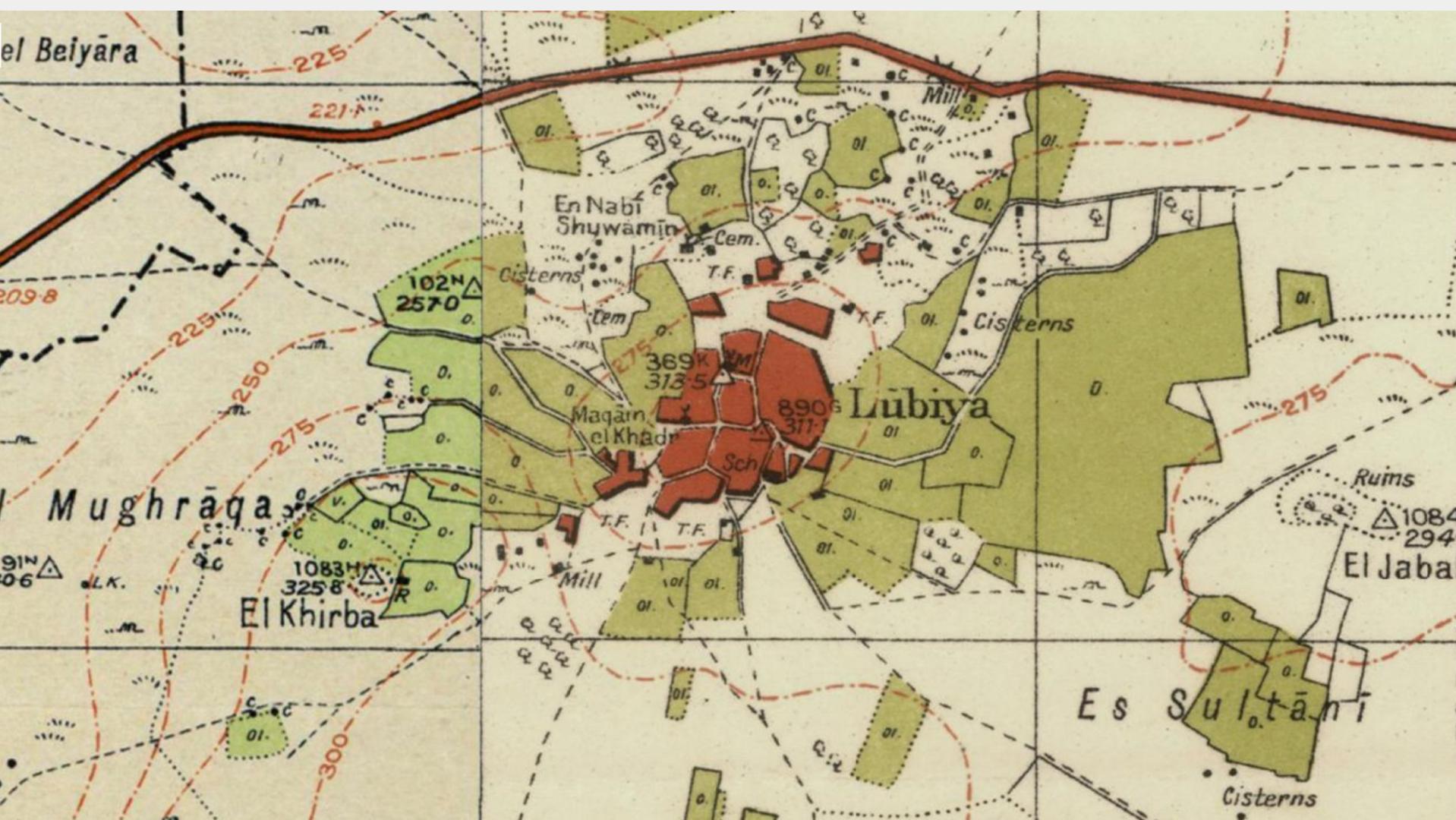


A 1940s map of the area of Lubya from the Survey of Palestine. This map is part of a series of historical maps used for comparison, showing the same area, showing the same area, made with help from [Palestine Open Maps](#). Related files include: [See also](#)

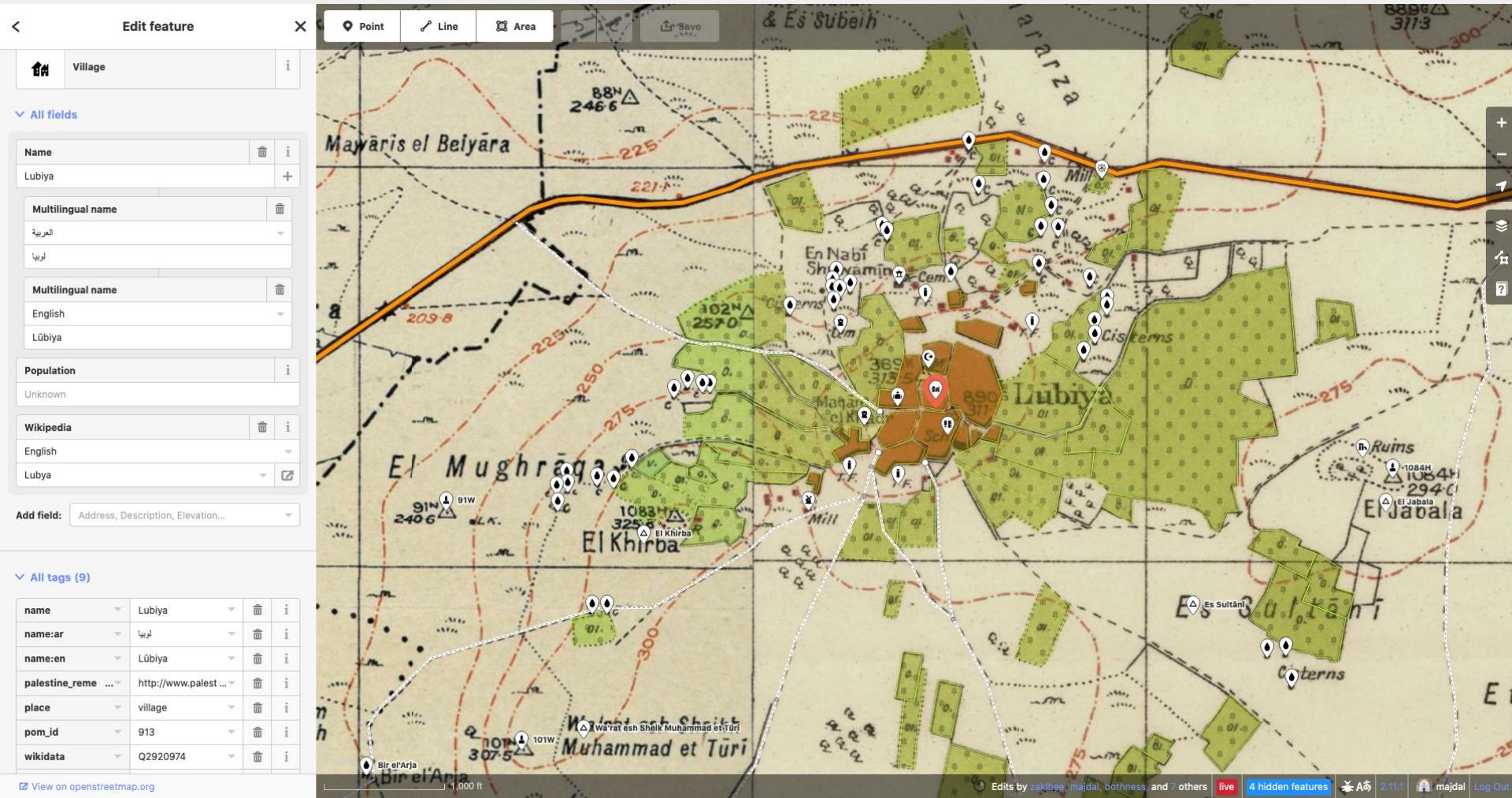
[More details](#)













| | | |
|---------------------------|------------|----------------------|
| Dear dear Nikolla | | رب ما شفوك |
| Deardear Béchir | | رب القدیس بیهی |
| Wāṣṣ Salqan | ✓ INDEX. | وادی صلیعین |
| Parishes. | Triangles. | Pages. |
| Nekhetka | | From Soba HK |
| Mu. Shukr Elias | ✓ | جزية شفط الباس |
| Mu. el Juleiah | ✓ | جزية الجبعة |
| Mu. Harash | ✓ | جزية هاراش |
| Mu. Kress | ✓ | جزية خير |
| Mu. Hanis | ✓ | جزية حنیس |
| etc. | ✓ | |
| Mu. Bereket | | جزية بركوت |
| Mu. Ummid | ✓ | بر العور |
| Mu. Schak | ✓ | جزية شفحة |
| Mu. Abu 'Atrah | ✓ | جزية ابو اطراف |
| Mu. Umm Zeisun | ✓ | جزية ام نیسون |
| Mu. el Kalayat | ✓ | جزية الكليات |
| Mu. Inzmarra | ✓ | جزية مزمررا |
| Mu. Zakkikah | ✓ | جزية زکیة |
| Mu. Abūr Tuká | ✓ | جزية ابیار لوقا |
| Mu. el Husein | ✓ | جزية الحسين |
| Imām Ober ibn Hattab | | الاومام عزت ابن حطاب |
| Mu. Umm al Shukaf | | |
| Wāṣṣ al Talah | | رب الظاهر |
| Cop ² Lattakia | | لطف الله |
| Wāṣṣ el Seba | | رب السبا |
| Jabal Sablah | | وابد الشفاعة |

Dhahr Masādah ✓
Aurāny ? (u. name of Haman (AS))
Mu. Umm al Asāfir
Mu. Abu Samra
Mu. el Magāz
Wāṣṣ el Daskīk
Wāṣṣ Abu Helēk
Cop² Broly Butter
tola el Malakat
Wāṣṣ el Dād
Wāṣṣ el Khawād
Klūibet Kabir
Wāṣṣ el Dakhīshing
Ain Kullalik
Wāṣṣ Sikkah
Ain el Hadabah
Ain el Marādah
Ain Bettir
Sheikh Abu Zeid el Bustany
el De'Omery
Sheikh Mohamad
Mu. Hamdāre
Mu. Umm al Shukaf

Numan Qasatli

نعمان قساطلي