

## ABSTRACTS SELECTED

### HERITAGE, ETHICS AND RIGHTS

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***Intangible heritage safeguarding: balancing ethics, community benefit and intellectual property rights***

The paper will explore some of the ethical challenges associated with implementing the UNESCO Intangible Heritage Convention (2003). The Convention has emphasized the importance of full participation and free, prior and informed consent from communities whose intangible heritage is inventoried at the national level or nominated to the lists of the Convention. Enabling community control over and benefit from their ICH (including rights protection) is seen as a good way of ensuring its continued practice and transmission. This approach is aligned with ethical practice in research and also with good governance - consultation and transparency. However, even where these principles are broadly accepted at the policy level, it is still difficult to ensure that efforts to promote ethics, benefits and rights work in concert to assist in safeguarding ICH since the idea of community control over and benefit from this process is actually quite new and not always appealing to other interest groups or well aligned with existing legal systems for tangible heritage management, IP protection and cultural industries promotion. For example, while inventorying is supposed to contribute to safeguarding of the ICH, by default the act of documentation can confer intellectual property rights over audio-visual recordings on the state or a research institution instead of communities concerned, and may allow the exploitation of some information for commercial gain. Community-based documentation can vest rights over such recordings in individuals rather than the group as a whole. Community-held IP rights associated with ICH are often seen as a way of guaranteeing development, but benefits from exploitation of such rights are easily exaggerated and often difficult to realise. The paper will outline some of these problems and consider the merits of some solutions.

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