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VEPACHEDU EDUCATIONAL FOUNDATION

మన సంస్కృతి

Mana Sanskriti (Our Culture)

Chief Editor: Dr. Sreenivasarao Vepachedu, Esq.

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Issue: 232

Dr. Sreenivasarao Vepachedu¹

PROTECT AND PROMOTE YOUR CULTURE AND HERITAGE

Heritage is something that belongs to one by reason of birth and that is handed down from the past. It constitutes a source of identity and cohesion for communities disrupted by bewildering change and economic instability. Traditional knowledge (TK)² is a living body of knowledge passed on from generation to generation within a community. It often forms part of a people's cultural and spiritual identity.

Cultural traditions and perspectives shaped who we are. Evidence of culture can be found in your house, surroundings, meals you eat, beliefs you have or not, language and gestures you use, etc. Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.

Every community has a cultural policy, whether we know it or not. Cultural policy³ is the area of public policy-making that governs activities related to the arts, such as painting, sculpture, music, among others and culture, which may involve activities related to language, heritage and diversity, defined and developed at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the 1960s. Cultural policy can contribute to social and economic development by growing our cultural capital, promoting local identity and promoting global cultural diversity. Tangible and intangible heritage forms a crucial part of this cultural capital and needs to be safeguarded.

Every community of the civilized world is proud of its cultural heritage. A number of countries have developed laws and policies to manage intangible heritage. Each country or region tends to focus on specific issues. One of the leading voices has been Japan, which has an integrated approach to tangible and intangible heritage. For over 50 years, Japan has recognized the importance of the intangible heritage in Japanese building techniques, crafts and performing arts. Australia and New Zealand have been particularly rigorous in developing the relationship between government and indigenous communities, both in assessing significance and deciding on the management of heritage such as cultural landscapes with spiritual significance. In Canada, the key issue has been the use of indigenous frameworks to assess landscape significance in national parks. Although not much legislation developed by countries in Africa directly mentions intangible heritage, postcolonial Africanization policies have encouraged local traditions and languages for some time. In South Africa, heritage legislation explicitly covers intangible values associated with places and mentions the importance of popular memory as a form of 'living heritage'. The emphasis in most national legislation remains on heritage places, however, rather than on intangible heritage or even heritage objects⁴.

As in the case of other parts of the world, in the Indian Continent too ballads, folktales and folk music have passed through the oral and written traditions. There are millions of tribes and castes in India, which are the primary source of folk culture, folk tradition, folk literature, handicrafts, handlooms, folk painting,

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etc., [co-existing in tribal, caste, rural, and urban culture, influencing each other and developing into a diverse culture of the Indian continent, through millennia](#)⁵.

India also has developed policies to protect and promote e India’s rich heritage of TK with the effective involvement and participation of the holders of such knowledge. [TK holders will be provided necessary support and incentives for furthering the knowledge systems that they have nurtured from the dawn of our civilization](#)⁶. However, due to the [vast diversity of the Indian Continental tribal/caste cultures](#) and centuries of [alien rule, many indigenous cultures are endangered](#)⁷.

An intangible object cannot be touched and is ephemeral. All meanings associated with objects and places are by definition intangible, as are the performing arts, sound, language, know-how, and spirituality⁸. All tangible heritages have intangible values associated with them. The category of intangible heritage encourages the recognition of formerly marginalized forms of heritage⁹.

The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage¹⁰.

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.

In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. In-dissociable from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life.

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights. All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons are entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

While ensuring the free circulation of ideas and works, cultural policies must create conditions conducive to the production and dissemination of diversified cultural goods and services through cultural industries that have the means to assert themselves at the local and global level. It is for each State, with due regard to its international obligations, to define its cultural policy and to implement it through the means it considers fit, whether by operational support or appropriate regulations.

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The World Intellectual Property Organization (WIPO)'s program on TK also addresses genetic resources (GRs) and traditional cultural expressions (TCEs). WIPO provides intensive, hands-on training to indigenous peoples and local communities on how to safeguard their music, performances, art, designs and other TCEs.

Most of the work on specific instruments for safeguarding intangible heritage has been done at an international level by organizations such as the UNESCO and the WIPO. WIPO's work on the protection of intellectual property rights has suggested that community rights over intangible heritage can only partly be protected by existing international intellectual property law. Specific protection may be provided by a sui generis regime, but intellectual property protection is only one element in a whole range of possible ways to ensure that communities can continue to benefit from, and practice, their intangible heritage. It is not the only way of safeguarding the intangible heritage and protecting community rights.

Recording what we know of the past (whatever its moral status) and using it to inform the present is helpful and valuable, but uncritically accepting utopian versions of the past or perpetuating damaging aspects of the past is not. We cannot, for example, condone the physical abuse of women or slavery because it is 'traditional'. The notion of human rights is often presented as a universal aim of all societies, but in reality, many societies continue to function in ways incompatible with human rights discourse. If we restrict intangible heritage listings to forms of heritage that correspond with human rights principles, this will affect not only what can be considered heritage but it may also mean that the form and/or modes of transmission of some forms of heritage would have to be encouraged to change.

Instruments safeguarding intangible heritage should support the rights of practicing communities to identify, manage and benefit from their own cultural practices. They should also encourage the extension of the practicing community where possible. In performing these tasks, it is essential that governments create channels of communication not only with communities but also between departments responsible for different aspects of this heritage.

This can be achieved by establishing a government agency or agencies to do the following:

- Maintain and administer the listing and information management process for registers of intangible heritage.
- Proactively seek listings of threatened resources and ensure the implementation of management plans for them.
- Make independent decisions around the compatibility of intangible resources with human rights codes.
- Assist communities to list resources where necessary and where necessary also to manage them after listing.
- Help to document and address disputes arising from the ownership and management of intangible heritage.
- Help to protect community rights and to channel benefits related to intangible heritage back into communities.
- Develop funding strategies for community-based management of the resource.
- Engage with other government and non-governmental agencies.

The following information should be provided for each intangible heritage form on such databases, making allowances for access restrictions:

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- The historical background to the intangible heritage and a description of it that acknowledges its vitality and fluidity.
- A clear description of who (if anyone) claims to be the practicing community associated with the intangible heritage and verified evidence for the basis of this claim.
- A statement that the values expressed by the resource conform to the principles of human rights (where such values are enshrined in international or national charters or legislation) or that values not conforming to these principles will be debated and/or discouraged from further transmission.
- A clear statement of the significance of the intangible heritage, including the value of the resource to the practicing community (especially its social value), its relationship to community identity (Field 2003), and the value of the intangible heritage in a broader context (including scientific, environmental and historical values; rarity, representativeness, etc.).
- A clear and viable strategy, related to its mode of transmission, for managing and sustaining the intangible heritage and its benefit to the community.
- Information about the public or restricted status of the intangible heritage and associated data.

Every April 26, we celebrate World Intellectual Property Day to learn about the role that intellectual property rights (patents, trademarks, industrial designs, copyright) play in encouraging innovation and creativity. At [the UNPFII Sixteenth Session 24 April to 5 May 2017](#) side event this year, "[The Draft WIPO Practical Guide on Intellectual Property for Indigenous Peoples and Local Communities – Indigenous Perspectives](#)" was presented¹¹. The Guide aims to provide information about how indigenous peoples and local communities can use intellectual property to protect, promote and defend their traditional knowledge and cultural expressions.

Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples¹².

See Also [Recommendations to Brahmana Sadassu](#).

NOTES AND REFERENCES¹³

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² Traditional Cultural Expressions: <http://www.wipo.int/tk/en/folklore/>

³ What is Cultural Policy? A Dialogue for an Emerging Field: <https://www.princeton.edu/culturalpolicy/dialogue.html>

CULTURAL POLICY FOR YOUR COMMUNITY: <http://usdac.us/cultural-policy/>

⁴ The subtle power of intangible heritage:

http://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/subtle_power.pdf

⁵ NATIONAL EXPERIENCES WITH THE PROTECTION OF EXPRESSIONS OF FOLKLORE/ TRADITIONAL CULTURAL EXPRESSIONS: World Intellectual Property Organization (WIPO)

http://www.wipo.int/edocs/pubdocs/en/tk/912/wipo_pub_912.pdf

⁶ Protection of Traditional Knowledge Initiatives of India:

http://www.wipo.int/edocs/mdocs/tk/en/wipo_ipk_ge_2_16/wipo_ipk_ge_2_16_presentation_12javed.pdf

NATIONAL EXPERIENCES WITH THE PROTECTION OF EXPRESSIONS OF FOLKLORE/TRADITIONAL CULTURAL EXPRESSIONS: http://www.wipo.int/edocs/pubdocs/en/tk/912/wipo_pub_912.pdf

Facts about India: <https://www.linkedin.com/pulse/facts-india-rao-vepachedu-jd-phd-llm>

Inglorious Empire, The reality of the Brutish Raj: <https://www.linkedin.com/pulse/inglorious-empire-reality-british-raj-rao-vepachedu>

India – The Global Growth Engine Sends a Message to the US - Our Still Globalized World:

<https://www.linkedin.com/pulse/india-global-growth-engine-sends-message-us-our-still-rao-vepachedu>

Media Against Indian Culture and Heritage: <https://www.linkedin.com/pulse/cnn-islam-bible-christianity-against-india-america-rao-vepachedu>

If Indian/Hindu (from INDUS/Sindhu)/Ancient, It Must Be Unscientific:

<https://www.linkedin.com/pulse/indianhindu-from-indussindhuancient-must-unscientific-rao-vepachedu>

⁷ Recommendations to Brahmana Sadassu: <http://www.vepachedu.org/Recommendations.html>

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"The Brahmin community will thrive only if it is prepared to invest massively in serious, sustained Brahmin education. A Brahmanism without walls can endure only if individual Brahmins are saturated with Brahmin memory and music, texts and traditions, values and beliefs. A well-formed Brahmin identity in our children is the best bulwark against their turning a cold shoulder to the Brahmin community as adults."

⁸ The Subtle Power of Intangible Heritage:

http://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/subtle_power.pdf

⁹ CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE:

<http://unesdoc.unesco.org/images/0013/001325/132540e.pdf>

¹⁰ Convention for the Safeguarding of the Intangible Cultural Heritage 2003: http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html

¹¹ Draft List of Side Events First Week https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/08/UNPFII16SideEventsWeek1_1.1.pdf

Draft List of Side Events Second Week <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/08/UNPFII16SideEventsTimetableWeek2Confirmed28.04.2017.pdf>

¹² 16th Session of the Permanent Forum on Indigenous Issues: <http://sdg.iisd.org/events/16th-session-of-the-permanent-forum-on-indigenous-issues/>; http://www.un.org/esa/socdev/unpfii/documents/2016/15th-session/Report_of_the_Permanent_Forum_15th_Session_unedited.pdf; <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html>

¹³ In addition to the primary sources cited above, additional references include:

New York Times, Washington Post, Mercury News, Bayarea.com, Deccan Chronicle, the Hindu, Hindustan Times, Times of India, AP, Reuters, AFP, The Guardian, Pravda, Spiegel, Connexion, etc.

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"Where the mind is without fear and the head is held high, Where knowledge is free, Where the world has not been broken up into fragments, By narrow domestic walls." -- Rabindranath Tagore (1861-1941), Gitanjali, 1912.

One World One Family

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AUM! SWASTI!

Om! Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrityorma Amritamgamaya, Om Shantih, Shantih, Shantih!

(Aum! Lead the world from wrong path to the right path, from ignorance to knowledge, from mortality to immortality, and peace!)

SWASTI! AUM!



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