

Intangible Cultural Heritage in Ukraine from Community to State

A General Survey of the Current Situation

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[See table of contents](#)

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Article abstract

The article focuses on the processes that have taken place and are taking place after Ukraine ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in 2008. My analysis focuses on the legal aspects and institutional development. In particular, I assess the activities of stakeholder organizations and the role of communities in safeguarding ICH. I highlight the role of ICH in emergency situations, in particular during the current Russian war in Ukraine. Progress and engagement with the Convention accelerated and diversified greatly in the last two years. The Ministry of Culture and Information Policy of Ukraine has become more open and flexible. Public, governmental organizations, NGOs, museums, libraries, oblast cultural centres, educational and research institutions, as well as practitioners have all contributed to tangible progress in building policy and institutional capacity.

INTANGIBLE CULTURAL HERITAGE IN UKRAINE FROM COMMUNITY TO STATE

A General Survey of the Current Situation

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2023 marks the twentieth anniversary of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the fifteenth anniversary of its ratification by Ukraine's *Verkhovna Rada* (Верховна Рада, Supreme Council, Legislature). These exceptional dates inspire a review of the path taken and the challenges before us today. Many articles have been written about immaterial cultural heritage and questions of the implementation of the UNESCO Convention, though no thorough analysis of the overall situation has been conducted, and scholarly and public discourse is developing rather slowly.

Since 2008, Ukraine has been interpreting and implementing the role, place and significance of the 2003 Convention. In my opinion, such a general process of rethinking the role of cultural heritage on the basis of the Convention was quite aptly defined by Andrzej Rottermund:

Until recently, the role of heritage was limited to a passive conservation of the past, and thus considered as a sort of burden that inhibits progress. The modern approach to heritage, however, sees it as an important element of development, which contributes to the regional, touristic and consequently economic development of a country. In turn, from the perspective of its citizens it plays an important role in the process of attaining cultural identity, as well as enriching the intellectual, emotional, moral and spiritual spheres of their lives. (Rottermund 2017: 386)

Until this time, cultural heritage was perceived mainly as material, attention was focused on physical manifestations of ICH, the topic of

heritage needed work and gradual development. I write this article as the second year of the war in Ukraine is coming to an end. Intangible cultural heritage played an important role in strengthening the resilience, sense of belonging and identification of Ukrainians with national history and culture. I was looking for answers to several questions: the evolution of cultural policy in the field of ICH; understanding the role and importance of the inventory process and its implementation in the National Register of ICH of Ukraine, and more broadly, the inventorying process in Ukraine; the impact of emergencies, including war, on cultural heritage and the dual role of heritage.

I had a number of discussions with colleagues trying to understand the role of the ICH in this time of war; in particular with the UNESCO Global Network Facilitator Oleksandr Butsenko. He drew my attention to how the dual role of ICH manifested itself in Ukraine, on the one hand revealing its vulnerability to the inhumane forces of destruction and, on the other hand, as a source of resilience and unity.¹ This dual role affected the Ukrainian inventory to some extent. The main objectives of this article are to trace the evolution of ICH policy in Ukraine after its ratification of the Convention, and to focus on how the war has affected the viability and safeguarding of ICH. This second objective can only be dealt with tentatively, as it is obviously too early to assess the long-term consequences, and these can only be postulated.

Legal Framework and Institutional Structure

We now analyze how the legal framework in Ukraine contributes to the protection of intangible cultural heritage and consider the institutional structure. Ukraine became a signatory to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage on 6 March 2008, by adopting the Law of Ukraine «On the Accession of Ukraine to the Convention for the Safeguarding of the Intangible Cultural Heritage» (Про приєднання України до Конвенції про охорону нематеріальної

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1. The idea of the “dual role” of ICH in emergencies was evoked at the 11th session of the Intergovernmental Committee for the Safeguarding of the ICH in 2016 (document ITH/16/11.COM/15; UNESCO Decision 11.COM 15). It was elaborated upon at an expert meeting at UNESCO Headquarters in May 2019, then endorsed by the Intergovernmental Committee for the ICH in Bogotá in December 2019. It was adopted by the 8th General Assembly in September 2020 as part of the text “Operational Principles and Modalities for Safeguarding Intangible Cultural Heritage in Emergencies” (UNESCO Resolution 8.GA 9, paragraph 6).

культурної спадщини) (Verkhovna Rada 2008). The government of Ukraine thus assumed certain obligations to protect ICH, such as the formation of appropriate policy at the national level, including the adoption of accompanying laws and regulations.

In 2010, the updated Law of Ukraine «On Culture» was adopted. It defines intangible cultural heritage, and identifies the basic principles of cultural policy, namely: protection and preservation of cultural heritage, ensuring freedom of creativity, diversity of cultural expression and inclusiveness. I also outline the priorities of the cultural policy, which include the protection of cultural heritage and cultural values, preservation, reproduction and protection of the traditional character of the environment. Article 16 of the Law of Ukraine «On Culture» is entitled «Preservation of Cultural Heritage, Cultural Values and Cultural Goods.» It defines the organizational structure of cultural heritage protection. The text of the article indicates that executive authorities and local bodies of self-government ensure «preservation of intangible cultural heritage, including traditional folk culture, languages, dialects, folklore, traditions, customs and rites, folk arts and crafts, historical place names, etc.» The article also stipulates that «A register of intangible cultural heritage is compiled by the central executive body responsible for the formation of state policy in the fields of culture and arts» (Verkhovna Rada 2011: Article 16).

An additional important legislative act, «On Indigenous Peoples of Ukraine» (Про корінні народи України), was adopted in 2021. It defines the cultural rights of the indigenous peoples of Ukraine – Crimean Tatars, Karaites and Krymchaks, in particular their right to observe, revive and develop their spiritual, religious and cultural traditions and customs, and preserve their tangible and intangible cultural heritage (Verkhovna Rada 2021).

These are the three laws that use the term «intangible cultural heritage» directly and which indicate the importance of protecting ICH at the national level and attend to the living heritage of Ukraine's indigenous peoples. In addition, there are a number of laws that do not directly use the term ICH, but their articles address the topic of living heritage to one degree or another. For example, in the Law of Ukraine «On National Minorities (Communities) of Ukraine» (Про національні меншини [спільноти] України), Article 12 makes explicit the right of national minorities (communities) to protect their cultural and national identity and cultural heritage, including language (Verkhovna Rada 2022). When formulating policies on related subjects, legal specialists in Ukraine rely

heavily on articles of the 2003 Convention for the Safeguarding of the ICH, currently the most popular document for such purposes.

In accordance with Ukrainian legislation, in particular the Law of Ukraine «On Culture» mentioned above, the Ministry of Culture and Information Policy of Ukraine is most active in implementing the ICH Convention. Through its Department of Cultural Heritage Protection, it develops state policy based on a continuous analysis of the field of safeguarding cultural heritage, including immaterial heritage and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. The Ministry of Culture and Information Policy of Ukraine has also established an Expert Council for the Protection of Intangible Cultural Heritage (Експертна рада з охорони нематеріальної культурної спадщини). This is an advisory body whose main activities are aimed at inventorying ICH at the national level by formulating recommendations for inclusion in the National Register of Intangible Cultural Heritage of Ukraine (Національний перелік елементів нематеріальної культурної спадщини України), analyzing legislation, developing and submitting proposals to regulatory and legislative documents, as well as monitoring the state and implementation of safeguarding plans (Ministry of Culture 2021).

The National Commission of Ukraine for UNESCO (Національна комісія України у справах ЮНЕСКО) also plays a significant role in the implementation of the 2003 Convention, in particular, in coordinating the cooperation of national institutions with UNESCO. The National Commission was established by a Presidential Decree of 26 March 1996. It works in the areas of protection and promotion of national cultural heritage, the immovable and the intangible cultural heritage of Ukraine. It is responsible for the formation of a national infrastructure of data on cultural heritage (movable, immovable, intangible), ensuring the qualitative transformation of accounting, administration, presentation, ensuring unimpeded access to up-to-date data, integration with international databases, as well as preparation of documents necessary for inclusion of elements of ICH on the Representative List of the Intangible Cultural Heritage of Humanity, the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Register of Good Safeguarding Practices, in accordance with UNESCO requirements (National Commission 2021).

Article 12 of the 2003 Convention states that: «To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly

updated.” (UNESCO 2003). When we consider the evolution of the National Register of ICH of Ukraine, in my opinion, the understanding of its role and significance for the protection of intangible cultural heritage was somewhat slow and gradual. The document that launched the National Register of ICH Elements was adopted in 2012, «On Approval of the Sample Form of the Record Card of an Object (Element) of the Intangible Cultural Heritage of Ukraine and Definition of the Objects of the Intangible Cultural Heritage of Ukraine» (Про затвердження примірної зразка форми облікової картки об'єкта [елемента] нематеріальної культурної спадщини України та визначення об'єктів нематеріальної культурної спадщини України) (Ministry of Culture 2012). This document was flawed: the main focus was on the registration card and the Order did not provide for the creation of a inventory as such, with inclusion/exclusion criteria, nor the role and place of the community. It did not define domains nor focus on issues of safeguarding. Also problematic, the introduction of new elements was regulated by amending the Order itself and filling out the registration card.

The 2012 Order, with amendments, remained in force until 2017, when a new Order was passed “On Approval of the Procedure for Maintaining the National List of Elements of the Intangible Cultural Heritage of Ukraine” (Про затвердження Порядку ведення Національного переліку елементів нематеріальної культурної спадщини України) (Ministry of Culture 2017). However, this new Order also needed significant revision with more transparency and comprehensibility, updates that would meet the requirements of the times and the aspirations of the communities of practitioners. The 2017 inventory contained only one general list of elements, which included manifestations from diverse domains, elements under threat and various protection practices. The documentation for inclusion into the National Register could be submitted by state authorities, local bodies of self-government, enterprises, institutions, organizations of all forms of ownership, creative unions and professional associations whose activities are related to the protection of ICH. However, there was no mention of public organizations or associations of practitioners. Only one organization and state authorities could monitor the viability of elements. This greatly complicated the work, since studies to monitor this viability required the involvement of a wide range of interested organizations and direct participation of practitioners.

As of today, the Ministry of Culture and Information Policy of Ukraine has enacted a new version of the Procedure for Maintaining the National

List of Elements of the Intangible Cultural Heritage of Ukraine, approved by the Order of the Ministry of Culture and Information Policy of Ukraine No. 449, dated 25 August 2023, registered with the Ministry of Justice of Ukraine on 28 September 2023 under No. 1718/40774. This new version of the Register attends more to issues of protection and expansion of domains. It provides an opportunity for associations of copyright holders, public organizations, organizations of all forms of ownership, state bodies, local governments, creative unions and other entities to submit documents for inclusion in the Register.

The newly revised National Register consists of several inventories, including the Inventory of Cultures of Indigenous Peoples of Ukraine (Інвентар культур корінних народів України) and, given the situation in Ukraine, the Inventory of Elements of ICH in Need of Urgent Protection (Інвентар елементів НКС, які потребують термінової охорони). There are also clearer rules for the inclusion and exclusion of elements, the role and place of communities, and very importantly, the concept of inclusiveness is introduced to the Register, and more attention is paid to plans for safeguarding (Ministry of Culture 2017).

Moving on to analyze the National Register itself, it is worth considering its role and importance. As we noted above, its content began in 2012, when 6 items were included (Ministry of Culture 2012). The Register was later updated and amended and some of those items were excluded. Before the outbreak of Russia's war against Ukraine on 24 February 2022, the National Register included 26 elements. As of 26 November 2023, there are 80 elements representing different domains and regions of Ukraine. The tables below show the dynamics of the Register's content over the years, as well as its composition by domain.

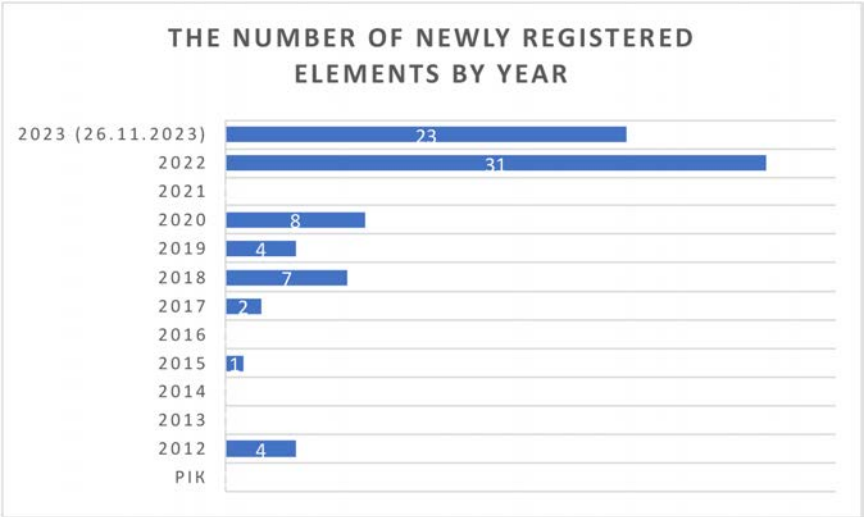


Figure 1. The number of newly ICH registered elements by year on the Ukrainian National Register

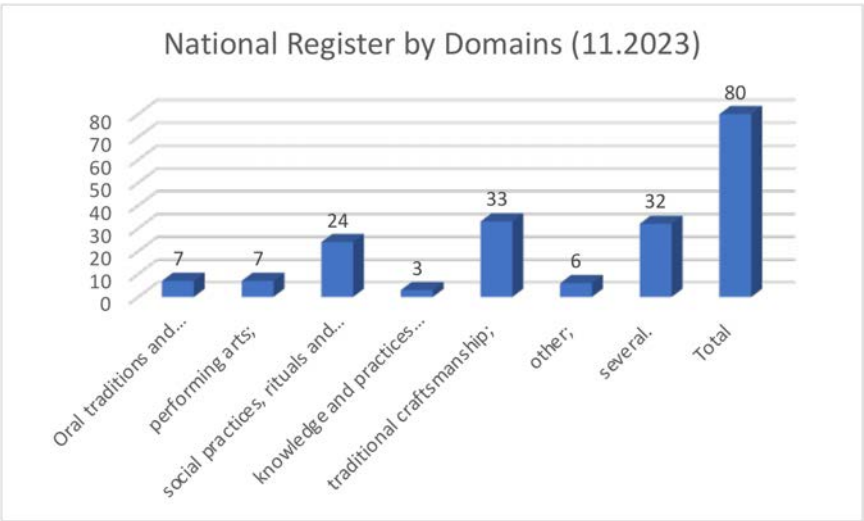


Figure 2. Domains of the Ukrainian National Register

There are several reasons for the rather weak engagement with the Register between 2012 and 2022. Firstly, the process of maintaining the Register was imperfect and unclear until 2017; secondly, there was a lack of information about the role and importance of this document and, in fact, the inventory itself. What has changed and why has the Register become so important? In my opinion, there are several essential components here:

the training of specialists and raising awareness of the 2003 Convention itself, and discussion of the issue of inventorying at the national level. Two training events were held: the «Implementation of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage at the National Level» in 2018 and the training seminar «Community-Based Inventory at the Local and National Level» organized by the UNESCO Regional Center for Intangible Cultural Heritage in Sofia (Bulgaria) and the Center for Development “Democracy through Culture” in Kyiv in 2020. These seminars provided greater opportunities to share knowledge and gain positive experience.

Since 2021, the approach of the Ministry of Culture and Information Policy of Ukraine has changed significantly. The composition of the Expert Council has been renewed and it has become more open to communities: Information seminars on the maintenance and content of the National Register and consultations with communities have been held. In other words, the role of the Expert Council is no longer limited to considering whether or not to support the inclusion of elements in the Register. Today, the approach of the Expert Council is to hear the voice of communities, that is, to rely on the bottom-up principle. The Ministry of Culture has created a Sector for the Protection of Intangible Cultural Heritage and Relations with UNESCO (Сектор з охорони нематеріальної культурної спадщини та зав’язків з ЮНЕСКО), thus demonstrating that the Ministry is an active player interested in the protection of ICH and the maintenance of the National Register.

The activity of public organizations has been very positive. This includes organizations that deal with specific elements, as well as those that engage with the protection of ICH in general. As a rule, such organizations represent associations of culture bearers and may engage masters, researchers and experts more broadly. For example, the NGO “Alem” is active in inventorying the culture of the indigenous Crimean Tatars. Public organizations with a larger mandate include the National Union of Masters of Folk Art of Ukraine (Національна спілка майстрів народного мистецтва України) and the Center for Development “Democracy through Culture” (Центр розвитку “Демократія через культуру”). Oblast cultural centres are becoming increasingly active players, as they are closer to the communities in their region and know the situation better. These include the Odesa Oblast Centre for Ukrainian Culture (Одеський обласний центр української культури), which has begun to conduct active work on community-based inventories, the Vinnytsia Oblast Centre for Folk

Art (Вінницький обласний центр народної творчості), which focuses on supporting traditional culture, and the Luhansk Oblast Centre for Folk Art (Луганський обласний центр народної творчості), which has made great efforts to work with ICH during emergencies. It is also worth noting the increasingly active engagement of museums, libraries, scholarly and educational institutions, whose activities relate to ICH in one way or another, in particular, research, popularization and work with the bearers of the culture.

To summarize this part of the article, the changes in the policy of the Ministry of Culture and Information Policy, its greater focus on openness and flexibility have been very significant and positive. Community awareness of the place and importance of ICH, the involvement of new players in policy-making, the creation of a Facebook page “Platform for Intangible Cultural Heritage” (Платформа НКС) (Platform 2017) which brings together public, governmental, non-governmental organizations, and practitioners, as well as cooperation with museums, libraries, oblast cultural centres, educational and research institutions, have all contributed to tangible progress in building policy and institutional capacity for the safeguarding of ICH in Ukraine.

Intangible Cultural Heritage in Wartime

Now that we have considered the regulatory and legal aspects of safeguarding ICH in Ukraine and briefly touched upon the institutional capacity at the national level, we will next try to consider the processes that took place after 24 February 2022 and relate to both safeguarding issues and the institutional environment. Until 24 February, the focus of safeguarding activities were almost exclusively limited to the popularization of certain elements of the ICH, such as festivals, workshops and exhibitions. These activities were reduced or rendered impossible after 2019 due to the Covid-19 pandemic. The quarantine regime also affected ceremonies and traditional events that required gatherings of people. It was necessary to investigate how the pandemic affected ICH, how it affected artisans and communities that were unable to perform their rituals normally. Soon however, the strategy of mitigating the consequences of the pandemic based on research was suspended, as we faced even greater challenges to our understanding: to what extent the war, hostilities and their aftermath have affected ICH, and how can we assess the damage.

The war displaced a large part of the population, which, of course, affected the culture bearers. They temporarily moved to other territories or abroad, taking with them what cannot be taken away – their intangible cultural heritage. Eivind Falk, director of the Norwegian Crafts Institute, said at the opening of the exhibition «Ukrainian Intangible Cultural Heritage: Crafts, Traditions, Practices» (Українська нематеріальна культурна спадщина: ремесла, традиції, практики) in Fredrikstad, in October 2023:

We must remember the unique feature of intangible cultural heritage, living culture and traditional crafts. This is something that no one can take away from us. It always lives in people, in our hands and in our minds. Even if people take away your house, your car, your farm and your land, they can never take your intangible cultural heritage away from you. This is what makes intangible cultural heritage, and traditional crafts, traditional music so important for us: because it is a part of ourselves, it is a part of who we are as humans, part of our DNA. (Democracy through Culture 2017)

On the other hand, tearing people away from places closely associated with a particular manifestation of living culture can obviously have a negative impact on its practice and create a greater risk that the processes of knowledge transfer will be disrupted. Loss of life, a gap between generations – all of this can have a negative impact on knowledge transmission. Moving to other countries, when children and young people are exposed to a different cultural context, threatens living heritage. That is why UNESCO's initiatives aimed at strengthening ties between generations and introducing living heritage into curricula and extracurricular activities are so important. One of these initiatives was the project «Supporting the Resilience of Ukrainian School Children through Enhancing Awareness of their Living Heritage,» funded by the UNESCO Heritage Emergency Fund, implemented in Ukraine during the war by the Democracy through Culture Development Center with the support of the Living Heritage Entity, the Ministry of Culture and Information Policy of Ukraine, the Ministry of Education and Science of Ukraine, and the National Commission of Ukraine for UNESCO. This project is notable for bringing together various stakeholders at multiple levels, including local museums, cultural centres and carriers of ICH, but above all 12 pilot schools in Ukraine from diverse regions – from Odesa in the south to Sumy in the north, from Kharkiv in the east to Lviv in the west – in a common desire to discover, study and pass on the knowledge and skills that underlie national identity.

One more initiative is worth our attention in this context. In cooperation with national partners, UNESCO launched a community-based needs identification for living heritage among communities, groups and individuals from Ukraine displaced in five neighbouring countries: Hungary, Moldova, Poland, Romania and Slovakia. The needs identification was identified as a priority action during a coordination meeting organized by UNESCO in support of the safeguarding of Ukrainian living heritage on 18 March 2022. The project “Community-Based Teaching and Learning of Ukraine’s Living Heritage in Romania” is based on both the data from the needs identification analysis and the results of the training project in Ukraine.

During the war, the ICH serves to restore mental health and resilience, in particular through the organization of special events for the military, doctors, children, teachers and the general populace, during which they are given the opportunity to try their hand at a particular craft; Petrykivka painting, pottery, paper cut-outs and toy making. For example, the Kyiv, Kharkiv, and Lviv *kobzar* guilds, following a long tradition, support people who lost their eyesight in the war by teaching them to play music on the *kobza*, *lira*, or bandura, while passing on the epic tradition and values associated with *kobzar* culture. In addition, these guilds do important work with visually impaired children, teaching them the skill of playing, introducing them to the language, culture, history and tradition, and signaling the opportunities they can discover for themselves.

The impact of the war can be assessed only provisionally. Here we have given only a few examples, research is ongoing and requires constant attention and quick reactions. We can talk about what is happening now, but it is difficult to predict what will happen in a few years, taking into account the massive pollution of the soil, thermal effects on clay, freshwater discharges into the Black Sea, draining or flooding of marshland and many other shocks to the surroundings that affect food culture, crafts such as pottery, wickerwork and other traditional elements in the culture.

The National Register of Ukrainian ICH is being actively updated and expanded. While before 24 February 2022 it did not include elements from Donetsk or Luhansk oblasts, it now includes three items from Luhansk and two from Donetsk, even from areas that are currently experiencing the fiercest fighting. On the other hand, the Register now also includes several elements that unite the whole of Ukraine: «Ukrainian Easter Egg: Tradition and Art», «*Kobzar* Culture», «Cooking the Ukrainian Traditional Dish ‘Cabbage Rolls’ (голубці).»

To summarize, it is safe to say that Ukraine is gradually building an effective policy and practice related to the safeguarding of the ICH, relying on cooperation between different branches of government, civil society and communities, using the principle of broad inclusiveness and a bottom-up approach. This path is long and requires work, both legislative, such as the development of laws specifically on the safeguarding of the ICH, and work with all interested organizations. On the other hand, the challenges and impacts of the war, which are becoming increasingly urgent, necessitate and, one might say, demand of us to consolidate the efforts of all stakeholders.

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