



Digital presentation and preservation of intangible cultural heritage

01 - Framework for common standards and models for digitization, presentation and preservation of intangible cultural heritage

AN OVERVIEW ON INTANGIBLE CULTURAL HERITAGE AT INTERNATIONAL, EUROPEAN AND NATIONAL LEVEL

Bulgaria



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Introduction

This report is a part of the desk-research activity in the framework of the Intellectual Output 1 - Framework for common standards and models for digitization, presentation and preservation of intangible cultural heritage.

It is structured into five parts. The first aims to present a formal definition of the Intangible Cultural Heritage (ICH) which is internationally adopted. The second part provides information about the institutions and structures engaged and responsible for ICH preservation, presentation, popularization and safeguarding. Part 3 is focused on the national and International laws for preserving cultural heritage and ICH as an important part of it, which is considered to be a key factor in respect to the processes related to the cultural diversity maintenance in global and long-term perspective. The fourth part provides information about the Intellectual Property and Copyrights and Part 5 is dedicated to the ICH conservation policies and processes at national level.

1. Definition of intangible cultural heritage

According to Art. 42 of the Bulgarian Culture Act which transposes Art. 2(1) of UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

Intangible cultural heritage is:

1. oral traditions and forms of expression, including language as a bearer of intangible cultural heritage;
2. artistic and performing arts;
3. social customs, rites and celebrations;
4. knowledge and customs that relate to nature and the universe;
5. knowledge and skills related to traditional crafts.

For official definition in Bulgaria is recognized the text from the Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO.

Article 2 - Definitions, for the purposes of this Convention,

The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artefacts and cultural spaces associated therewith - that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. 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. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

2. Responsible institutions and structures

Bulgarian Ministry of Culture - legislation, preservation and registration
(<http://mc.government.bg>)

- Regional museums - preservation, registration and popularization
- Community centers - preservation and popularization
- The Register of Intangible Cultural Heritage in Bulgaria - The representative list of elements of the intangible cultural heritage in Bulgaria has been assembled since 2008 and is based on the National Campaign "Living Human Treasures", which is held every two years and which has already 4 editions (2008, 2010, 2012, 2014, 2016, 2018). Based on the Register of Intangible Cultural Heritage in Bulgaria, the selection for the Representative List takes place in two stages - regional and national. The regional one includes a review of nominations with elements of the intangible cultural heritage, received in each of the 28 regions in the country and selects one regional candidacy for participation at the national level. The regional selections are carried out with the broad participation of the communities and the bearers of intangible cultural heritage in the respective areas. Responsible for this stage are the regional historical museums. Of the applications that have reached the second stage, five are nominated, which are entered in the National Representative List for the respective year. This allows the periodic supplementation and updating of the National Representative List, and at the same time testifies to the active participation of communities and carriers in practices for preservation and promotion of the intangible cultural heritage in the country.

3. National and International laws for preserving cultural heritage

As mentioned above the Bulgarian law in the subject of ICH steps on the transposed UNESCO convention from 2003. Already Art. 2 and 6 of the Bulgarian Cultural heritage Act recognize ICH as an important element. Chapter three of it sets some further rules.

- Convention on the Intangible Cultural Heritage
<https://ich.unesco.org/doc/src/00009-BG-PDF.pdf>
- Cultural Heritage Act
http://mc.government.bg/files/635_ZAKON_za_kulturnoto_nasledstvo.rtf
- Law on the Public Community centers
http://mc.government.bg/files/80_ZAKON_za_narodnite_chitalishta.doc
- Law on Protection and Development of Culture
http://mc.government.bg/files/73_ZAKON_za_zakrila_i_razvitie_na_kulturata.doc
- ORDINANCE № 1 / 8 MAY 2013 ON THE PROCEDURE FOR KEEPING THE REGISTER OF THE INTANGIBLE CULTURAL HERITAGE IN THE REPUBLIC OF BULGARIA In force since 18.05.2013 Issued by the Ministry of Culture Prom. DV. issue 45 of 18 May 2013 Section I. General provisions Art. 1. This ordinance determines the procedure for keeping by the Ministry of Culture of the register of the intangible cultural heritage of the Republic of Bulgaria. Art. 2.
<https://bulgariaich.com/?act=content&rec=70>

Art. 2. (1) The cultural heritage shall cover the intangible and tangible immovable and movable heritage as a set of cultural valuables, which are bearers of historical memory, national identity and have scientific or cultural value.

(2) The cultural valuables shall be public property and shall enjoy protection by state and municipal bodies in the interest of the citizens of the Republic of Bulgaria.

Art. 7. (1) Cultural valuable is an intangible or material evidence of human presence and activity, natural fact or phenomenon, which is important for the individual, the community or the society and has scientific or cultural value.

(2) Cultural valuables may also be an intangible or material evidence of human presence and activity, which has scientific or cultural value and is of importance for the Bulgarian Orthodox Church and other registered religions.

Chapter three. INTANGIBLE CULTURAL HERITAGE

Art. 42. (1) Intangible cultural heritage are:

1. oral traditions and forms of expression, including language as a bearer of intangible cultural heritage;
2. artistic and performing arts;
3. social customs, rites and celebrations;
4. knowledge and customs that relate to nature and the universe;
5. knowledge and skills related to traditional crafts.

(2) A register of the intangible cultural heritage shall be kept in the Ministry of Culture by an ordinance of the Minister of Culture.

Art. 43. (1) A National Council for Intangible Cultural Heritage shall be established at the Minister of Culture, which shall:

1. support the development of a strategy for preservation and popularization of the traditional Bulgarian culture and folklore;
2. propose measures for implementation of international acts in the field of the intangible cultural heritage, to which the Republic of Bulgaria is a party;
3. propose measures for improvement of the systems for protection of the intangible cultural heritage;

4. give recommendations on issues related to the protection, preservation and promotion of the intangible cultural heritage;
 5. propose for approval by the Minister of Culture the elements of the intangible cultural heritage to be included in a national representative list of the intangible cultural heritage.
- (2) The composition, the functions and the activity of the council shall be determined by a regulation, issued by the Minister of Culture.

Art. 43a. (New, SG No. 1/2019) The identification of the intangible cultural heritage is a research activity by which it is determined whether an intangible certificate meets the criteria for cultural value, and for its classification and categorization section II shall apply accordingly.

Art. 44. Cultural organizations established for the protection of the intangible cultural heritage and which have acquired the status of UNESCO centers shall be entitled to a subsidy from the state budget.

4. Intellectual Property and Copyrights

Acc. to Bulgarian Copy rights Act, protected are:

Art. 3. (1) Object of copyright is any work of literature, art and science, which is a result of creative activity and is expressed in any way and in any objective form, such as:

1. literary works, including works of scientific and technical literature, of journalism and computer programs;
2. musical works;
3. stage works - dramatic, musical-dramatic, pantomime, choreographic and others;
4. films and other audio-visual works;
5. works of fine arts, including works of applied art, design and folk arts and crafts;

....

Art. 3. (2) The subject of copyright are also:

1. translations and adaptations of existing works and folklore works;
2. arrangements of musical works and folklore works;
3. periodicals, encyclopedias, collections, anthologies, bibliographies, databases and the like, which include two or more works or materials.

4.1. Copyright duration

General rule

Art. 27. (1) (Amended, SG No. 28/2000) Copyright shall be protected as long as the author is alive and seventy years after his death.

(2) In case of works created by two or more authors, the term under para. 1 begins to run after the death of the last surviving co-author.

(3) (New, SG No. 21/2014) In the case of musical works with text and musical dramatic works, the term under para. 1 shall expire seventy years after the death of the later

deceased between the author of the music and the author of the text, whether or not these persons are listed as co-authors, provided that the text and the music were created for the purpose of being used together.

Anonymous and pseudonymous works

Art. 28. (Amended, SG No. 28/2000) Copyright in a work used anonymously or under a pseudonym shall last for seventy years after its disclosure for the first time. If the author becomes known within this period or if the pseudonym does not cast doubt on his identity, the provisions of the preceding article shall apply.

5. Conservation policies and processes

Art. 43 and 44 of the Cultural heritage act describe the process of identification and conservation.

Art. 43 is new in the Bulgarian legislation and so far has not been enforced. RHM Burgas will be the first museum in the country that will try to identify intangible cultural valuables according to the prescribed procedure in July 2020.

5.1. Identification and registration

Art. 96. (1) (Amended, SG No. 1/2019) The identification of movable cultural entity shall be a research activity by which it is determined whether it meets the criteria for cultural valuable, as well as its classification and categorization. by the order of this law.

(2) (Amended, SG No. 1/2019) The identification of cultural valuable shall be carried out by the national and regional museums independently or jointly with other scientific or cultural institutes and higher schools. Municipal and private museums, designated by an order of the Minister of Culture, also have the right to carry out identification.

(3) (Amended, SG No. 54/2011) The identification of cultural valuable shall be carried out by a commission appointed by the director of the museum. The commission shall include three museum experts, and if necessary may be included other experts from the respective field, entered in the register under para. 4, as well as persons, entered in the register under art. 165.

(4) (Amended, SG No. 54/2011) A register shall be established and maintained in the Ministry of Culture, in which the persons under para 1 shall be entered. 3, who have an educational-qualification degree "master" and at least 5 years of experience in the respective professional field. The procedure for keeping the register shall be determined by an ordinance of the Minister of Culture.

References

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<https://ich.unesco.org/doc/src/00009-BG-PDF.pdf>

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<https://bulgariaich.com>

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http://mc.government.bg/files/80_ZAKON_za_narodnite_chitalishta.doc

http://mc.government.bg/files/73_ZAKON_za_zakrila_i_razvitie_na_kulturata.doc

<https://bulgariaich.com/?act=content&rec=70>