



Annex 3

Procedure for the State support in identifying, registering, safeguarding, transmitting and developing the ICH and its bearers

Draft, Attachment 1 to Government Resolution

I. Objective

The purpose of this Procedure is to regulate relations associated with the State support on identifying, registering, safeguarding, transmitting and developing intangible cultural heritage and its bearers in Mongolia in compliance with concepts and principles stipulated in the Constitution of Mongolia, the State policy on culture, Law on Culture, Law on Preserving cultural heritage, other Mongolian legislations and international treaties and agreements endorsed and ratified by Mongolia.

II. Interpretations

1. Intangible cultural heritage refers to the following aspects and features based on concepts stated in 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, including:
 - a. Intangible cultural heritage expressed in Mongolian language:
Fairy tales, epics, well-wishing songs, praise songs, idioms, poems about traditional customs, well-wishing expressions, tongue twisters and other features of oral traditions and oral literature genres
 - b. Traditional performing arts:
Folklore songs and dances, including long and short songs, humii (throat-singing), whistle songs, morin khuur (horse headed fiddle), flute, aman khuur (mouth harp), bii bielgee (dance of the body) and tsam (mask dance)
 - c. Social customs, ceremonies and festivities:
Traditional customs, ceremonial events, celebrations and festivities
 - d. Knowledge and customs associated with nature and wild life:
Multiple features knowledge and skills associated with observing the Earth, watercourse, sky and weather patterns, and approaching the nature and the Earth, as well as traditional heritage elements related to sacred places, nature conservation customs and customary restrictions
 - e. Traditional craftsmanship heritage:
Traditional craftsmanship techniques and skills of Mongolian metal-smithing, carpentry, wooden artifacts, sewing, embroidery, felt quilting, leather crafting, and livestock production techniques

2. Intangible cultural heritage bearer (hereafter as 'Heritage bearer') refers to individuals certified with a Certificate issued by Minister for Education, Culture and Science based on evaluation by and approval from the National council for identifying intangible cultural heritage and its bearers.
3. Intangible cultural heritage learner (hereafter a 'Heritage learner') refers to individuals who are formally registered and currently being taught relevant knowledge by Heritage bearers, and so have not received a certificate of 'Intangible cultural heritage bearer' yet.

III. Identifying and registering the prototype of the intangible cultural heritage and its bearers

1. The establishment and its procedural rule of the National Council for Identifying and Registering Intangible Cultural Heritage shall be approved by Decree of Minister of Education, Culture and Science in line with concepts of 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.
2. The National Council for Identifying and Registering Intangible Cultural Heritage (hereafter as 'National Council') consists of the representatives from NGO, scholars and researchers in the field.
3. National Council carries out regular research on intangible cultural heritage and its bearers in cooperation with governmental and non-governmental organizations, educational and academic institutions, partnerships and scholars.
4. The National Council shall elaborate 'The List of Local ICH and its bearers' in cooperation with the Culture and Art Committee, Cultural Heritage Center and governmental organizations as well as the professional NGOs.
5. National Council shall make discussion on the report, comments and other documentation of the surveys on the ICH and its bearers and designate 'The Tentative List of the ICH in Mongolia'
6. National Council shall not discuss the ICH that is not included in the 'The List of Local ICH and its bearers' to include into 'The Tentative List of the ICH in Mongolia'.
7. National Council shall review results of research on intangible cultural heritage and its bearers, and then draft and present the 'List of Intangible cultural heritage' to the Minister of Education, Culture and Science through the responsible department (division) of MECS. The Minister shall make approval over the valid list.
8. The Minister of Education, Culture and Science may inquire for expertise analysis on certain issues before approving the list under a decree, if necessary.
9. Applicants (both individuals and groups) for official registration as 'Heritage bearer' shall submit their application (the form in Attachment 1) to the Culture and Arts Committee before April 1 annually.

10. The Culture and Art Committee shall issue and distribute annual public announcement together with the comprehensive and detailed information on the applications for the prospective heritage bearers through media in order to identify and select prospective heritage bearers before May 1.
11. Immediately after the distribution of annual public announcement, The Culture and Arts Committee shall transfer applications for registration in the list of heritage bearers with the introduction, based on the thorough revision and selection of the applications to the National Council, which shall review the applications and submit its decision to the Ministry of Education, Culture and Science within June 15.
12. The National Council shall carefully review applicants' applications and enclosed materials submitted for registration in the List of intangible cultural heritage, and confirm applicants' outstanding talents and skills, while witnessing in person and documenting evidence materials (such as filming in DVD, VCD, CD, audio tape and digital photographs etc).
13. The 'List of Intangible cultural heritage' and its further amendments shall be approved upon a resolution issued by the Minister of Education, Culture and Science, based on the comment and conclusion by the National Council, within August 1.
14. The Culture and Art Committee shall inform applicants about approvals of intangible cultural heritage and present certificates (Attachment 2) to approved heritage bearers on the 'Culture and Arts Practitioners' Day of Mongolia' after a resolution issued by the Minister of Education, Culture and Science.
15. The Center of Intangible Cultural Heritage will keep documentation materials (such as ordinary and digital photographs, VCD, DVD, CD, audio tape, illustrations and other physical items) enclosed to application for registration as a Heritage bearer, as well as recorded tapes, photographs and other documentation materials produced during selection processes of the National Council.
16. There can be the case of a secret intangible cultural heritage and in such case, it shall be supported with the cultural heritage aspect, while it is not the aspect of property of an individual, group or family.

IV. Rights of cultural heritage bearers

1. A heritage bearer (individuals and groups) shall hold full rights to demonstrate, advertise, perform intangible heritage and related skills with his/her ownership, exhibit and display at museums, establish non-governmental organizations, conduct trainings within relevant legal frameworks and make request on transferring his/her Heritage bearer's ownership rights.
2. A heritage bearer shall submit a request for running activities associated with heritage owned, to the National Council, MECS and the responsible Minister through the Culture and Arts Committee.

3. A heritage bearer shall exercise rights to express own opinions, cooperate and file complaints over materials associated with his/her certified intangible cultural heritage that were broadcast on television and radio, printed on newspapers and magazines, displayed through concerts and exhibitions, published in advertisements and research articles, or copied and distributed publicly.
4. A heritage bearer shall have rights to select heritage learners and offer them own policy, approaches and activities associated with transmitting own outstanding skills and talents.

V. Responsibilities of cultural heritage bearers

1. A heritage bearer shall be responsible for transmitting own outstanding talents and skills to the next generation, particularly traditional and ethnic intangible cultural heritage endangered to extinct.
2. A heritage bearer shall make agreement with the Culture and Arts Committee in valid for 2 years. The regulation of agreement shall be approved by the chief of the Culture and Arts Committee.
3. A heritage bearer shall inform the Culture and Arts Committee about changes happened in information specified in application materials at each time changes occurred, such as address, telephone numbers, company name, location, administrative affiliation, membership, statistics on heritage learners, achievements, operation opportunities remained or changed etc.
4. A heritage learner shall teach and transmit his outstanding skills and talents to heritage learners fully, and ensure their preparation prior submitting application for registration in the list of intangible cultural heritage bearers.
5. A heritage bearer shall submit annual reports to the Culture and Arts Committee within the last quarter, as well as participate in national and international events regularly.
6. A heritage bearer shall demonstrate skills and talents transmitted to heritage learners during his/her annual reporting period to MECS, the National Council and Culture and Arts Committee a part of his performance evaluation.
7. A heritage bearer shall consider and seek for ways to develop own intangible cultural heritage and outstanding skills in line with achievements of modern technology and science and with existing needs and demands.
8. Heritage bearers shall consider own outstanding talents and skills as Mongolian national cultural heritage property, make efforts and initiative to inscribe them in the List of world intangible cultural heritage and uphold the reputation of Mongolia within international arena.
9. In case changes happened in information specified in heritage bearer's application materials, his affiliated organization has dissolved, the heritage bearer has died, lost his functional capacity or been imposed legal liabilities and upon other emergent situations, the heritage bearer or his/her representatives shall inform such situations to the Culture and Arts Committee within 14 days.

VI. Rights and responsibilities of Heritage learners

1. A heritage learner shall be entitled to choose heritage bearers and present requests on learning heritage bearer's outstanding talents and skills.
2. A heritage learner shall hold rights to express opinions, request and complaints to the Culture and Arts Committee in regards to training policy, approaches and activities, as well as rights to refuse from trainings.
3. A heritage learner shall learn heritage bearer's outstanding talents and skills chosen, and prepare for registration in the List of intangible heritage bearers.
4. A heritage learner shall demonstrate learned talents and skills in person during the performance reporting to MECS, the National Council and the Culture and Arts Committee in order to get relevant evaluation approval.

VII. Rights and responsibilities of governmental organizations

1. MECS, Culture and Arts Committee, Cultural Heritage Center, public media organizations, relevant local institutions and agencies shall ensure the following issues to be reflected in the annual plan and implemented, such as developing sound policy on intangible cultural heritage; strengthening relevant legal and regulatory frameworks; carrying out research; establish a listing system; communicate with heritage bearers and assist their activities; facilitate transmission of intangible cultural heritage to the next generation; advertise and introduce heritage bearers to the general public; organize competitions and select winners; and reward recognized heritage bearers.
2. The Culture and Arts Committee shall regulate and monitor terms of conditions of agreement established with heritage bearers.
3. The government institutions and agencies shall ensure cooperation with Mongolian National Commission for UNESCO and encourage participation of professional NGOs, experts and scholars within their activities.
4. The Culture and Arts Committee shall review proposals related to providing financial support to some heritage bearers annually within January 1, in compliance with recommendations on intangible cultural heritage issued by the National Council, and present the issue to MECS for approval based on special procedures.
5. The Culture and Arts Committee and relevant local agencies shall provide all organizations and general public with relevant recommendations and suggest optimal means of safeguarding, transmitting and developing intangible cultural heritage.
6. MECS, Culture and Arts Committee, Cultural Heritage Center, public media organizations, relevant local institutions and agencies shall be entitled to carry out public awareness activities in regards to identifying, registering, transmitting and developing intangible cultural heritage; providing the State support; rewarding and introducing recognized heritage bearers publicly; and expanding reputation of Mongolia within international arena.

7. MECS, Culture and Arts Committee, Cultural Heritage Center, public media organizations, relevant local institutions and agencies shall enforce and regulate activities related to get heritage bearers' reports within deadlines and ensure their participation in relevant national and international events.
8. The above government institutions and agencies shall exercise rights to revoke heritage bearer's certificate based on provisions in Article V. 9 of this Procedural rule and other reasons, in addition to presenting the National Council proposals on transferring heritage bearer's revoked rights and status to relevant heritage learners.
9. The Minister shall issue a Decree based on recommendations presented by the National Council in regards to revoking heritage bearer's certificate and transferring heritage bearer's rights, and then the Culture and Arts Committee shall release public announcement about the decision.