



# The Protection of Intangible Heritage in Andalusia (Spain) Current Situation and Future Perspectives

LA PROTECCIÓN DEL PATRIMONIO INMATERIAL EN ANDALUCÍA (ESPAÑA)  
ESTADO DE LA CUESTIÓN Y PERSPECTIVAS DE FUTURO

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**Abstract** This study aims to provide an overview of the protection of intangible heritage in Spain from the early 20th century to the present, with a particular focus on Andalusia. As a methodology, an analysis and examination of government initiatives and the evolution of laws safeguarding cultural heritage (both tangible and intangible) in terms of sustainability and the impact of UNESCO international programs have been carried out. Additionally, the document presents Andalusian legislation, compiles protected intangible cultural assets, and provides information on those included in the UNESCO World Heritage list. As a result, both nationally protected intangible assets and those inscribed on the UNESCO Intangible Cultural Heritage List have been identified.

**Keywords** Cultural heritage, Public investment, Local governments, Regional development, Cultural policy.

**JEL codes** Z11; Z18; H41; R58.

**Resumen** Este estudio tiene como objetivo ofrecer una visión general de la protección del patrimonio inmaterial en España desde principios del siglo XX hasta la actualidad, con un enfoque particular en Andalucía. Como metodología, se ha realizado un análisis y examen de las iniciativas gubernamentales y la evolución de las leyes que salvaguardan el patrimonio cultural (tanto tangible como intangible) en términos de sostenibilidad y el impacto de los programas internacionales de la UNESCO. Además, el documento presenta la legislación andaluza, recopila bienes culturales inmateriales protegidos y proporciona información sobre aquellos incluidos en la Lista del Patrimonio Mundial de la UNESCO. Como resultado, se han identificado tanto los bienes inmateriales protegidos a nivel nacional como aquellos inscritos en la Lista Representativa del Patrimonio Cultural Inmaterial de la Humanidad de la UNESCO.

**Palabras clave** Patrimonio cultural, Inversión pública, Gobiernos locales, Desarrollo regional, Política cultural.

**Códigos JEL** Z11; Z18; H41; R58.

## 1. INTRODUCTION. ETHNOLOGICAL HERITAGE AND ETHNOGRAPHIC HERITAGE

Ethnography involves the direct study of people or groups over a specific period. It encompasses an in-depth analysis of cultural phenomena, with researchers actively participating in the studied context. Utilizing quantitative or qualitative methodologies, ethnography aims to capture a realistic portrayal of the group or phenomenon under examination. On the other hand, ethnology pursues a comparative study of documented and contemporary cultures. Ethnography generates interpretations and explanations, subsequently transformed into hypotheses by ethnology through spatial or intercultural analysis.

According to Plata<sup>1</sup>, ethnological heritage is distinctive due to its dual material and intangible nature. Although there is no unanimous consensus on its nomenclature, it is widely acknowledged to be associated with the ways of life within communities and territories. It could be defined as that which represents and signifies the unique forms of life within a community or group. In its intangible aspect, the “most distinctive heritage of a territory identifies through diverse, complex expressions, often of extraordinary aesthetic richness, particularly evident in the case of Andalusia”<sup>2</sup>.

## 2. The Genesis of Safeguarding Ethnological and Intangible Heritage in Spain: Institutional Foundations and Key Initiatives

The initial strides in safeguarding ethnological and intangible heritage in Spain commenced with significant institutional developments. The establishment of the Ministry of Public Instruction and Fine Arts through a Royal Decree (R.D.) on April 18th, 1900 (published in the Gazette on April 19, 1900)<sup>3</sup>, and the subsequent creation of the General Directorate of Fine Arts on January 26th, 1915, marked crucial milestones. These measures were implemented in response to the initiative of the Count of Romanones, whose intricate parliamentary efforts and details have been thoroughly examined by Cabello<sup>4</sup>.

These institutional foundations were instrumental in shaping the early contours of cultural heritage protection and laid the groundwork for the emergence of ethnological heritage initiatives in Spain.

In 1912, a significant development occurred with the establishment of the Museum of Industrial Arts, as decreed (D.M.) on December 30th, 1912 (published in the Gazette on January 1, 1913). Initially located at Sacramento Street No. 5 in Madrid, it later moved to Montalbán Street in 1932. The museum's primary objective was described as 'essentially didactic and popular,' aiming to exhibit 'works of decorative and industrial character.' These works were categorized into groups such as 'stone and similar,' 'metal,' 'wood,' 'earth,' 'dry goods,' 'graphics,' and 'ivory, shell, and leather.' Notably, the museum played a role in

1. Plata 2010, pp.78-81.

2. Ivi, p.80.

3. Gazette: Official Gazette of the Spanish State, until 1961, from that date it will be called the Official State Bulletin (BOE)

4. Cabello 2013/2014, pp.156-179

fostering ‘decorative production’ by organizing competitions related to ‘artistic industries.’ Today, it stands as a collection of considerable ethnographic interest.”

Subsequently, it is essential to highlight the significance of the first law dedicated to the protection of heritage and the conservation of artistic wealth. This law was promulgated during the dictatorship of Primo de Rivera, approved by Decree-Law (D.L.) on August 9th, 1926 (published in the Gazette on August 15, 1926), commonly known as the “Callejo Decree.” At the time of its approval, Joaquín Pérez del Pulgar y Campos, the Count of the Infantas, served as the General Director of Fine Arts.

The “Callejo Decree” marked a pivotal moment by incorporating protection for “cities and picturesque places” as part of the National Artistic Treasure. Article 2(b) explicitly outlined the protection of buildings, sites, and places of recognized and unique beauty, essential for maintaining Spain’s typical, artistic, and picturesque aspect. The decree also declared, in Article 7, the public utility of conserving, protecting, and safeguarding architectural monuments that constitute the Historical-Artistic Treasure of the Nation. Simultaneously, it emphasized the defense of the typical and traditional character of towns and cities deemed important for their significance.

The text provides a historical overview of the protection and promotion of cultural heritage in Spain, with a particular focus on ethnological heritage.

According to García<sup>5</sup>, it is noteworthy that even before the proclamation of the Second Republic in 1931, there existed a regulatory framework indicating a genuine concern among the governments of Alfonso XIII’s reign (conservatives, liberals, and those under the Dictatorship of Primo de Rivera) for the preservation of historical heritage.

An exceptional moment arose with the enactment of the Law (L.) on May 13th, 1933 (published in the Gazette on May 25, 1933), dedicated to the defense, conservation, and enhancement of the national historical-artistic heritage. Strikingly, this law did not integrate the connection with urban planning outlined in the Decree-Law (D. L.) of August 9th, 1926. This absence would later pose challenges during the development stages of the sixties and seventies<sup>6</sup>. The issue found resolution in Law 16/1985, the Spanish Historical Heritage law (published in the BOE on June 29, 1985)<sup>7</sup>, which recognized urbanistic special plans as a tool for the comprehensive protection and organization of Historical Sets. Remarkably, there was a surprising lack of reference to ethnographic or ethnological heritage.

During the Franco period (1939-1975), we witnessed the promulgation of regulations with a tutelary and disseminative focus on ethnological heritage. The establishment of the National Exhibitions of Decorative and Industrial Arts by Decree on January 26th, 1944 (published in the BOE on February 14, 1944), and an Order on March 27th, 1946 (published in the BOE on April 1, 1946), included a section of ethnological interest known as the “Arts of the Home.” This section covered ceramics, glass, domestic fabrics, carpets, tapestries, irons, ivory, and more. Provisions were made for the award of honorary diplomas.

In 1962, through Decree 2411 on September 20th, 1962 (published in the BOE on October 5, 1962), the Museum of Anthropology, Ethnography, and Prehistory, previously under the Higher Council for Scientific Research (CSIC)<sup>8</sup>, was transferred to the General Directorate

5. García Fernández 2007, pp. 1-46.

6. Verdugo 2017, pp. 30-33; Verdugo 2021, pp. 83-90.

7. BOE, Official State Bulletin, from 1961.

8. Consejo Superior de Investigaciones Científicas (CSIC)

of Fine Arts. It became part of the network of State museums, adopting the name National Museum of Anthropology, which it no longer holds today. The museum is now exclusively dedicated to cultural anthropology, offering a comprehensive view of the cultures of various peoples worldwide, thus celebrating cultural diversity.

The tenure of Florentino Pérez Embid<sup>9</sup> at the General Directorate of Fine Arts from 1968 to 1974 marked a significant impetus, particularly in the realm of ethnological heritage, with a notable impact on Andalusia.

In 1969, through Decree (D.M.) 2517 on October 9th, 1969 (published in the BOE on October 28, 1969), the original Museum of Ceramics “González Martí” in Valencia underwent a transformation, becoming the National Museum of Ceramics and Sumptuary Arts “González Martí.” The museum’s purpose was to exhibit ceramics, furniture, fabrics, fans, cabinets, and other objects related to the arts and sumptuary industries.

In 1971, with Decree (D.M.) 1188 on June 20th, 1971 (published in the BOE on June 8, 1971), competences between the National Heritage and State museums were harmonized, specifically concerning the Hunting Museum located in the royal palace of Riofrío in Segovia. The new regulation, still in effect today, designates management responsibilities to the Council of Administration of the National Heritage, incorporating representatives from ministries with competences in mountain, hunting, and fishing matters.

Through an Order on December 23rd, 1972 (published in the BOE on January 10, 1973), the Museum of Flamenco Art was established in *Jerez de la Frontera*. The preamble highlighted the growing interest in flamenco art, emphasizing its tourist impact and the necessity to collect and preserve ethnological, musical, and traditional materials related to this art to prevent dispersion and loss. Despite its initial establishment, the museum was not fully developed, partly due to Pérez Embid’s passing on December 23, 1974, and the subsequent direction change with Joaquín Pérez Villanueva.

Another impulse of the Embid stage was the creation of the *Betanzos* Regional Galician Costume Museum, by Decree (D.M.) 3143 on October 10th, 1974 (BOE, November 4, 1974). The Museum of Popular Arts and Customs of *Aracena* (*Huelva*) was established by Decree 3244 on December 16th, 1971 (BOE, January 11, 1972), and the Museum of Popular Arts and Customs of Seville was created by Decree 968 on March 23th, 1972 (BOE, April 19, 1972). In the case of the *Betanzos* Museum, with the passage of time and the establishment of Galician autonomy, it was replaced by the Museo do Povo Galego in Santiago de Compostela in 1976, and the Museum of Traditional Galician Costume in *Ourense*, under the Provincial Council. As for the second one, the *Aracena* museum, Embid’s hometown, remained active until the mid-eighties when its collection became part of the Museum of Popular Arts and Customs of Seville, which has been active from its creation to the present day.

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**9.** Born in *Aracena* (*Huelva*, Spain), he earned a Doctorate in Philosophy and Letters, served as a professor of Geographical Discoveries first in Seville and later in Madrid. He held various significant positions, such as General Director of Fine Arts (1968-1974), Procurator in Cortes (1958-1967), rector of the Menéndez Pelayo University (1968-1974), and president of the *Ateneo de Madrid* from 1951 to 1956. Additionally, he was the founder of the *Ateneo* and *Atlántida* magazines, as well as the *Biblioteca del Pensamiento Actual* (Library of Current Thought). Being a member of the “private council” of Don Juan de Borbón, he actively supported the transformation of Franco’s dictatorship into a democratic monarchy (Peiró 2013, p. 71). During his tenure as General Director, he played a crucial role in advancing Sevillian cultural institutions. He spearheaded the reform of the Fine Arts and Archaeological Museums of Seville, the establishment of the Museum of Contemporary Art and Popular Customs of Seville, and the restoration program for the Collegiate Church of Osuna and the *Itálica* site. His influence left a lasting imprint on the actions of the Junta de Andalucía (Andalusian regional government).

### 3. ETHNOGRAPHIC HERITAGE IN LAW (L.) 16/1985, SPANISH HISTORICAL HERITAGE

In accordance with Alegre Ávila's<sup>10</sup> analysis of Law (L.) 16 dated June 25th, 1985 (hereinafter referred to as LPHE), it is asserted that the new law incorporates assets related to ethnographic heritage into the Spanish Historical Heritage. This inclusion is based on the recognition that these assets represent manifestations of 'Material culture resulting from human action in the broad sense,' irrespective of their 'ownership, use, age, or economic value' (Statement of Motives of the LPHE, IV)<sup>11</sup>.

Consequently, Article 46 of the LPHE stipulates:

Movable and immovable property, as well as knowledge and activities that are or have been a significant expression of the traditional culture of the Spanish people in its material, social, or spiritual aspects, are considered integral components of the Spanish Historical Heritage.

The article establishes a distinction between movable and immovable property, encompassing material culture goods and activities or knowledge deemed a 'relevant' expression of traditional culture. This distinction relies on the concept of 'traditional' as defined by the DRAE<sup>12</sup>, signifying the transmission of rites or customs from generation to generation, or ancient facts known or preserved through oral transmission. Additionally, within this traditional sphere fall festivals, customs typical of a people, and the knowledge of artisan trades that produce traditional material goods.

Various discussions have delved into the motivations of the legislator in regulating this heritage. These range from the influence of the rich Spanish anthropological school, represented by the works of Caro Baroja and 'folklorists,' to the impact of the Italian Commissione Franceschini. Between 1964-1966, this commission prepared a report under the notable influence of Giannini<sup>13</sup>, asserting that 'All goods constituting material testimony and having civilization value belong to the cultural heritage of the Nation'<sup>14</sup>.

Moreover, one cannot dismiss the potential influence of the 1972 UNESCO Convention on the Protection of World Cultural and Natural Heritage. This convention introduced the concept of 'cultural heritage,' encompassing places—works of man or joint works of man and woman—as well as natural areas, including archaeological sites, possessing exceptional universal value from historical, aesthetic, ethnological, or anthropological perspectives.

Article 47 of the LPHE distinctly outlines the various ethnographic assets eligible for protection:

1. Ethnographic Buildings and Facilities: These are structures and installations whose constitutive design reflects knowledge acquired, ingrained, and customarily transmitted. Their architectural form, either in whole or in part, is

**10.** Alegre1994, II, pp. 382-384.

**11.** Regarding the issues of definition and classification of ethnological heritage in Spanish legislation, see André 2012, pp. 348-365.

**12.** DRAE (Dictionary of the Royal Academy of the Spanish Language)

**13.** Giannini 1976, pp.1-37.

**14.** Alibrandi, Ferri 1985, p. 12; Zanbonino 2013, pp.189-190.

adapted to a class, type, or traditional style used by communities or human groups.

2. Ethnographic Movable Objects: This category includes all objects that represent the manifestation or product of work, aesthetic, and recreational activities typical of any human group. These objects are deeply rooted in and customarily transmitted within the community.
3. Ethnographic Value of Knowledge and Activities: Administrative protection is granted to knowledge or activities derived from traditional models or techniques used by a specific community. In cases where such knowledge or activities are at risk of disappearing, the competent Administration will take measures to facilitate scientific study and documentation of these elements.

In the context of sites, it appears that the 1985 legislator had in mind structures such as buildings representing a 'class, type, or architectural form' used by a community or human group, exemplified by *hórreos* or *cabazos*<sup>15</sup> protected by Decree (D.M.) 449 on February 22nd, 1973 (BOE, March 13, 1973). These structures are subsequently designated as Property of Cultural Interest (BIC)<sup>16</sup> by the 2nd Additional Provision of the LPHE. This marks the first time that architectural creations reflecting acquired, rooted, and customarily transmitted knowledge can be declared as BIC Monuments<sup>17</sup>. Movable property specified in Article 47.2 can also attain BIC status or be incorporated into the General Inventory of Movable Property of the Spanish Historical Heritage (Article 26 of the LPHE).

As for 'activities,' a category of intangible elements is established, representing a manifestation of 'spiritual' character and an expression of the traditional cultural life of a specific community<sup>18</sup>. This marks the first legal reference to this intangible heritage, although it is distinct from the current concept of intangible cultural heritage. The reference pertains to 'traditional models or techniques used by a certain community,' which gain protection under paragraphs 1 and 2 of Article 47 of the LPHE when they materialize in an object (movable) or a building and/or installation (immovable).

For instance, the traditional activity of 'carpentry of the riverside,' having ethnographic value, would only be protected when the shipyard is declared a BIC. This perspective prompted the central Administration to enact Law (L.) 10 on May 26th, 2015, specifically for the safeguarding of Intangible Cultural Heritage, a topic we will delve into later.

#### 4. THE PROTECTION OF ETHNOLOGICAL HERITAGE IN ANDALUSIA: LAW (L.) 1 ON JULY 3RD, 1991

The Statute of Autonomy of Andalusia<sup>19</sup>, endorsed by Organic Law (L.) 6 on December 20th, 1981 (BOE, January 11, 1982), outlined in Article 12.2 that the Autonomous Community

**15.** *Hórreos o Cabazos*. A type of granary, specially designed for drying and curing grain. Its area of dispersion includes almost the entire Galician territory, western Asturias up to Navia and northern Portugal.

**16.** BIC, *Bien de Interés Cultural* (Property of Cultural Interest).

**17.** Alegre 1994, II, p. 383.

**18.** Ivi, p. 382.

**19.** Andalusia is a Spanish autonomous community recognized as a historical nationality by its Statute of Autonomy. It is composed

would exercise its powers, aiming, among other objectives, to 'strengthen the conscience of Andalusian identity through research, dissemination, and knowledge of the historical, cultural, and linguistic values of the Andalusian people in all its richness and variety.' Additionally, Article 12.6 highlighted the 'protection and enhancement of the landscape and the historical and artistic heritage of Andalusia,' assigning exclusive competence to the same in Articles 13.27 and 28. This competence is divided into two blocks—one specific to identity, which can be termed as cultural heritage, and the other related to historical and artistic heritage. This dualism has not been fully resolved to date.

The cultural administration of Andalusia, established in 1984 following the effective transfer of powers from the State (Royal Decree, R.D. 864 on February 29th, 1984, on the transfer of functions, BOE, May 11, 1985), began to organize its administration concurrently with initiating declarations of monuments using the 1933 Law as a legal instrument.

Simultaneously, the State was in the process of approving L. 16/1985 (LPHE), as previously analyzed. However, its content was awaited, and it became the subject of an appeal to the Constitutional Court by several communities that believed their areas of competence and jurisdiction were violated. This appeal resulted in Constitutional Court Decision (*Corte cost. n. 17*) on January 31st, 1991 (BOE, February 25, 1991), critiqued by Alegre<sup>20</sup>.

From the content of the ruling, the following points can be deduced:

1. The international dissemination of assets constituting the Spanish Historical Heritage is the joint responsibility of both the State and the Autonomous Communities.
2. The authority to declare Properties of Cultural Interest (BICs) lies with the Autonomous Communities, unless the assets, which are part of the National Heritage, are assigned to public services managed by the State Administration. In such cases, competence falls within the jurisdiction of the Central Administration.
3. The service of culture is a concurrent and shared responsibility between the State and the Communities. Hence, a general state law on historical heritage is deemed constitutional.
4. For the purposes of publicity, knowledge, and contemporary considerations like transparency, the General Register of Assets of Cultural Interest and the General Inventory of Movable Objects are considered appropriate.
5. The State retains authority over the export of objects and the exercise of powers against plunder, acting through subrogation to guarantee the integrity of the Spanish Historical Heritage or to resolve procedures related to the declaration of Elements of Cultural Interest (BIC).

The Autonomous Community of Andalusia, following the Constitutional Court's approval, enacted Law (L.) 1 on July 3rd, 1991 (BOJA, July 13, 1991)<sup>21</sup>. The preamble of the law states:

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of eight provinces: *Almería, Cádiz, Córdoba, Granada, Huelva, Jaén, Málaga, and Sevilla*. It is the most populated Spanish community (8.538.376 inhabitants in 2023) and the second largest (87,599 km<sup>2</sup>). It is in the southern part of the Iberian Peninsula, bordering to the west with Portugal, to the southwest with the Atlantic Ocean, and to the south with the Mediterranean Sea and Gibraltar (UK). *Sevilla* is its capital and most populous city. Andalusia has its own Government, Parliament, and High Court of Justice, with exclusive competence for the protection and preservation of its cultural heritage. Its total budget for 2023 was 40.861.2 million euros.

**20.** Alegre 1994, II, pp. 754-781.

**21.** BOJA, *Boletín Oficial de la Junta de Andalucía* (Official Gazette of the Andalusian Government).

Regarding Ethnographic Heritage, the concept of the “Place of Ethnological Interest” is introduced. This allows for the application of a regulatory framework to places, buildings, or facilities that merit special attention due to their intrinsic nature or because they house constituent elements of ‘s ethnographic heritage.

This protective designation is explicitly included in articles 26 and 27 as an “object of specific inscription” (equivalent to BIC) in the General Catalog of Andalusian Historical Heritage. The new law, in its article 6, establishes this catalog as an ‘instrument for the safeguarding of registered elements, their consultation, and disclosure,’ akin to the Registry of Objects of Cultural Interest under the LPHE.

The new category is defined in Article 27:

Those natural places, constructions, or facilities linked to the traditional way of life, culture, and activities of the Andalusian people, deserving preservation for their ethnological value.

For the first time, reference is made to the ‘traditional activities of the Andalusian people, which, like the ‘ethnological place,’ can enjoy the highest level of protection.

The novelty is introduced in the application of Article 20 of the LPHE, governing the designation of Places of Ethnological Interest, through the following instruments:

- a. Special Plans for Protection or Interior Reform.
- b. General Urban Planning Plans.
- c. Subsidiary or Complementary Planning Regulations at the Municipal level.
- d. Partial Plans.
- e. Any other planning instrument created by urban legislation, provided it adheres to the requirements established in this Law and fulfills functions equivalent to those previously enumerated.

It's important to note that Article 105 of the law established, among other entities, the Andalusian Ethnology Commission as an advisory body on this matter. The promotion of ethnological heritage began with the Order on January 14th, 1994 (BOJA, March 16, 1994), regulating the granting of subsidies for conducting ethnographic activities. These subsidies were designed to support researchers, including members of ethnography or social anthropology research teams, departments, or institutes of Spanish Universities with competence in Ethnology, and institutes of the CSIC. The grants aimed to promote activities such as:

1. Obtaining and organizing data and conducting in-depth analysis of a cultural event.
2. Ethnographic Prospecting, involving a tasting or initial approach to a specific cultural event.
3. Documentation performance through planimetry, photography, or any audiovisual medium.
4. Study of ethnographic materials deposited in the Museums of the Autonomous Community and of the documentary heritage of interest existing in the Archives of the same.

These activities spanned several years and culminated in the annual Andalusian Ethnology Conference held from 1990 to 2003, concluding with the XIV Conference. The outcomes of these initiatives were documented in the Andalusian Ethnological Yearbook, which was published from 1995 to 2006, with the last edition covering the years 2002-2003. Unfortunately, we do not have more updated data beyond this period.

## 5. CULTURAL DIVERSITY AND INTANGIBLE HERITAGE

The most significant impetus for the recognition of intangible heritage is found in international law, particularly through the efforts of UNESCO, epitomized by the Convention for the Safeguarding of the Intangible Cultural Heritage of 2003. Prior to this convention, various initiatives had laid the groundwork, with the 1972 UNESCO Convention on World Cultural and Natural Heritage serving as a crucial instrument primarily focused on the objects of material culture. Consequently, there was a gap in international law for the juridical valorization of intangible social and community cultural creations. This void was addressed by the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003, which emphasized the need to recognize the role of communities and groups in producing, safeguarding, maintaining, and recreating intangible cultural heritage. This led to the establishment of an Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage tasked with promoting the convention's objectives and overseeing its implementation<sup>22</sup>.

A subsequent pivotal action by UNESCO was the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2005. Among its objectives was the protection and promotion of the diversity of cultural expressions, fostering dialogue among cultures to ensure broader and more balanced cultural exchanges globally, promoting intercultural respect and a culture of peace. The convention also addressed the implementation of "Cultural policies and measures" at various levels, including local, national, regional, or international, focusing on culture itself or designed to directly impact cultural expressions of individuals, groups, or societies. To support these goals, the convention established an International Fund for Cultural Diversity and an Intergovernmental Committee<sup>23</sup>.

It's essential to recognize that one of the primary effects of globalization is the detachment of a cultural phenomenon from its geographical location, transferring influences, experiences, and events across vast distances to our immediate environment. This detachment is perceived as an opportunity in some cases and a loss of certainty and identity in others.

The growing number of intercultural contacts has given rise to new forms of cultural diversity and linguistic practices, propelled by advances in digital technology. Rather than attempting to preserve identity in all its forms, there should be an emphasis on devising new strategies that consider these changes while enabling vulnerable populations to respond to cultural change more effectively. All living traditions undergo continual reinvention, and cultural diversity, like cultural identity, thrives on innovation, creativity, and receptivity to new influences. Striking a balance between identity and new influences is crucial.

22. [http://portal.unesco.org/es/ev.php-URL\\_ID=17716&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/es/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html). 11/06/23

23. [http://portal.unesco.org/es/ev.php-URL\\_ID=31038&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/es/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html). 11/06/23

## 6. INTANGIBLE HERITAGE IN ANDALUSIA ACCORDING TO LAW (L.) 14 OF NOVEMBER 24TH, 2007, ON THE HISTORICAL HERITAGE OF ANDALUSIA (LPHA)

When the LPHA was enacted in 2007, the UNESCO conventions previously discussed had already been established. However, concerning ethnological, tangible, and intangible heritage, the law doesn't introduce many changes compared to Law 1/1991. The drafting of the new law commenced in 2004, and the first draft was produced in September 2005. It was subsequently adopted by Parliament on November 15th, 2007. Notable additions include the recognition of Industrial Heritage<sup>24</sup>, introducing the concept of protection for 'Places of Industrial Interest' and considering the territory as a constituent element of a diachronic heritage through the creation of 'Patrimonial Zones'<sup>25</sup>.

In addition to the concepts and values already included in Law 1/91, the new law incorporated linguistic manifestations as a novelty. It also introduced the delimitation of areas for the development of activities. Moreover, it provided the possibility of declaring intangible manifestations as BIC, along with the movable property associated with them. We will explore this further in the case of the 'Activity of Ethnological Interest of the Raffle of the *Hazas de Suerte del Común de Vecinos*' in the municipality of *Vejer de la Frontera* (see below). As stated by Plata<sup>26</sup>, the law was conceived with the aim of modifying, adapting, and improving certain aspects of the previous law, without introducing disruptive approaches. Accordingly, there are some new perspectives, as highlighted by López<sup>27</sup>, such as the possibility of establishing practical guidelines for the preservation of activities. Article 61.2 explicitly states:

The registration of an activity of ethnological interest in the General Catalog of Andalusian Historical Heritage may include the protection of a territorial area linked to its development, and of the movable property associated with it<sup>28</sup>

We will explore this possibility further in the activities described below. The regulations are outlined in the following provisions:

Article 61:

The sites, spaces, constructions, or facilities linked to forms of life, culture, activities, and modes of production typical of the community of Andalusia are integral assets of the Andalusian Ethnological Heritage.

2. The registration of an activity of ethnological interest in the General Catalog of Andalusian Historical Heritage may include the protection of a territorial area linked to its development, and of the movable property associated with it.

**24.** Sobrino 2010, pp.117-141.

**25.** Verdugo 2010, pp.55-72.

**26.** Plata 2010, 76.

**27.** López 2008, p. 9.

**28.** Regarding the guardianship and management of the ethnological heritage of Andalusia, see Jiménez 2012, pp.278-291.

3. Interventions in the territorial sphere linked to a registered activity will be subject to the authorization regime corresponding to them, depending on the type of registration carried out.

Article 62:

Movable property of ethnological interest. Movable property of Andalusian ethnological interest will be subject to the general protection regime established in this Law for movable property.

Article 63:

The inscription in the General Catalog of the Andalusian Historical Heritage of practices, knowledge, and other cultural expressions as activities of ethnological interest will give them preference among those of the same nature for the purposes of their knowledge, protection, dissemination, as well as for the concession of subsidies and public aid that are established. Likewise, those knowledge or activities that are in danger of disappearance will be specially protected, sponsoring their study and dissemination, as an integral part of the Andalusian identity. To this end, their research and their collection on material supports that guarantee their transmission to future generations will be promoted.

Article 64:

The inscription in the General Catalog of the Historical Heritage of a Place of Ethnological Interest will entail the obligation to take into consideration the values that are intended to be preserved in urban planning, adopting the necessary measures for their protection and empowerment.

The law introduces the concept of 'scope' as a space linked to the development of activities, aiding in visualizing the forms and elements of intangible heritage. This concept is coupled with the requirement for the corresponding authorization, depending on the type of registration undertaken and any specific instructions that may be applicable. As a rule, the registration of an activity of ethnological interest in the General Catalog of Andalusian Historical Heritage may encompass the protection of a territorial area linked to its development. In cases where it is declared Property of Cultural Interest (BIC), the movable property associated with it will also be registered<sup>29</sup>.

Additionally, the inclusion of tangible and intangible ethnological heritage in the protection figures is crucial, emphasizing its 'relevant' character in the values of declared BICs. This applies whether they fall under the category of Monuments, Historical Complexes, Historical Gardens, Historical Sites, or in Heritage Zones. Due to their inherent nature as a 'diverse and complementary heritage set,' these zones facilitate the integration of ethnological heritage values among the 'diachronic assets representative of human evolution,' comprising the heritage set defined by the Heritage Zone.

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**29.** Plata 2010, pp. 84-85.

According to Zambonino<sup>30</sup>, Law 14/2007 (LPHA) lacks a generic concept of ethnological heritage, and it does not clearly define real estate, personal property, or activities of ethnological interest. The latter are described using enunciative concepts such as 'practices, knowledge, and other cultural expressions.' Similarly, Law 16/1985 (LPHE) does not contribute to the definition of activities, linking the 'old' or 'traditional' manifestations, which are quite distant from the idea of live manifestations proposed by the LPHA. Zambonino<sup>31</sup> argues that this gap is addressed by employing the concept provided by the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage on October 17th, 2003.

## 7. LAW 10, ENACTED ON MAY 25TH, 2015, FOCUSES ON THE PRESERVATION OF SPANISH INTANGIBLE CULTURAL HERITAGE (ICH)

This legislative effort reflects changes in mentality marked by the emergence of new concepts such as cultural heritage and intangible heritage. It signifies a transition from the emphasis on monumental heritage to a broader cultural perspective.

This legal initiative responds to the absence of specific legislation addressing intangible cultural heritage, aiming to overcome the limitations of the 'ethnographic heritage' framework outlined in the LPHE. The growing awareness of cultural diversity has played a significant role, aligning with the principles set forth by UNESCO Conventions.

The growing awareness of cultural diversity and the significant recommendations from international bodies, particularly UNESCO, prompted the enactment of Law 10/2015 for the safeguarding of intangible heritage, published in the Official State Gazette (BOE) on May 27, 2015. This legislative development also fulfilled the mandate of the first final provision of Law 18/2013 of November 12, 2013 (BOE of November 13, 2013), which regulated bullfighting as a cultural heritage. This earlier law expressly entrusted the Government with the promotion of regulatory reforms necessary to incorporate the mandates and objectives of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (ICH), ratified by Spain in 2006.

Article 2 of the Act defines intangible heritage as the uses, representations, expressions, knowledge, and techniques that communities, groups, and, in some cases, individuals recognize as integral parts of their cultural heritage. It specifically includes:

- a. Oral traditions and expressions, including linguistic modalities and particularities as a vehicle for intangible cultural heritage; as well as traditional toponymy as a tool for the geographical denomination of territories.
- b. Performing arts.
- c. Social uses, rituals, and holidays.
- d. Knowledge and uses related to nature and the universe.
- e. Traditional craft skills.

**30.** Zambonino 2013, pp. 189-206.

**31.** Ivi, pp.194-195.

- f. Gastronomy, culinary preparations, and food.
- g. Specific use of natural landscapes.
- h. Forms of collective socialization and organizations.
- i. Sound, music, and traditional dance.

Article 3 outlines the general principles that the General Administration of the State, the Autonomous Communities, and the Local Corporations must respect in their preparation and development.

Your text outlines essential principles related to intangible cultural heritage. I've made a few minor adjustments for clarity:

- Freedom of Expression
- Principle of Equality and Non-discrimination: Immaterial manifestations of culture, in their traditional nature, should never be used to justify actions that violate the principle of gender equality.
- Role of Carrier Communities: Recognizing the pivotal role of communities as carriers of intangible cultural heritage.
- Principle of Participation: Aiming to respect, maintain, and promote the active involvement of groups, carrier communities, citizen organizations, and associations in the recreation, transmission, and dissemination of intangible cultural heritage.
- Principle of Accessibility: Ensuring that intangible cultural manifestations are accessible, allowing knowledge and enjoyment for all citizens, contributing to cultural enrichment.
- Principle of Cultural Communication: Serving as a guarantor of interaction, recognition, rapprochement, mutual understanding, and enrichment between different intangible cultural manifestations.
- Sustainability: Prioritizing the sustainability of intangible cultural manifestations, preventing quantitative and qualitative alterations of their cultural elements that are inconsistent with the practices of the communities managing them.
- Respect for Essential Characteristics: Ensuring that tourist activities do not compromise the essential characteristics or specific development of cultural events. This allows for the compatibility of appropriation and public enjoyment with due respect for the cultural goods and their protagonists.

Among the functions of the General Administration of the State, in collaboration with the Autonomous Communities, the Law establishes in its article 11:

- a. The proposal, elaboration, monitoring, and revision of the National Plan for the Safeguarding of the Intangible Cultural Heritage.
- b. Management of the General Inventory of Intangible Cultural Heritage ((Map1)).
- c. Safeguarding the intangible cultural heritage through the Declaration of Representative Manifestation of the Intangible Cultural Heritage.
- d. Submitting proposals to UNESCO for the inclusion of intangible cultural property on the Representative List of the Intangible Cultural Heritage of Humanity and

the List of Elements Requiring Urgent Safeguard Measures, as well as programs, projects, and activities that better reflect the principles and objectives of the Convention for the Safeguarding of the Intangible Cultural Heritage.

e. Formulating requests for international assistance for the safeguarding of intangible cultural heritage within the national territory before the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage of UNESCO. Additionally, submitting periodic reports to the mentioned Committee on legislative, regulatory, or other measures adopted in implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage.

**Map 1.** Spanish activities included in the list of intangible world heritage



© Image courtesy of the Department of Culture and Sport of Spain.

## 7.1. National Plan to Safeguard Intangible Cultural Heritage: Objectives of the Plan

The primary goal of the National Plan is to ensure the safeguarding of Intangible Cultural Heritage (ICH). This involves actions aimed at identifying, documenting, researching, preserving, protecting, promoting, valuing, transmitting, and revitalizing ICH. Given the complexity and vulnerability of ICH, coupled with limited support for safeguarding processes, the National Plan focuses on the following objectives:

1. Establish Theoretical Principles:

- Define the concept, characteristics, and spheres of ICH in Spain.
- Develop systems for recording, documenting, and disseminating ICH.
- Establish systems to identify values, risks, and threats associated with ICH in Spain.
- Create systems for diagnosis, strategies, and specific lines of action.

2. Generate Projects:

- Develop studies for identifying, documenting, disseminating, and promoting intangible cultural expressions.
- Conduct studies on assets deemed of particular interest, including documentation, characterization, evaluation, diagnosis, and risks.
- Collaborate with bearers to establish objectives, criteria, strategies, and specific lines of action for safeguarding ICH.

3. Establish Documentary Databases and Raise Awareness:

- Establish databases, knowledge, and evaluation systems for ICH inclusion in protection categories and UNESCO Lists of Intangible Heritage.
- Raise awareness within society and achieve institutional recognition in cultural policy contexts.

4. Promote and Encourage Recognition:

- Strengthen the sense of identity among key groups.
- Foster respect from public authorities and the general public for the cultural values of ICH.

5. Contribute to Inclusion in Policies:

- Include criteria for safeguarding ICH in policies, plans, and actions impacting its preservation.

6. Facilitate Information and Coordination:

- Promote collaboration and coordination among public authorities, local agencies, religious institutions, and civil institutions.
- Establish an Information Network focused on the National Plan for the Safeguarding of Intangible Cultural Heritage.

7. Cooperate with Autonomous Regions and Establish Specialized Units:
  - Cooperate with autonomous regions, exchanging experiences and collaborating with public and private institutions.
  - Provide technical support to national and international organizations upon request.
  - Propose the creation of administrative units specializing in the safeguarding of ICH, comprising multidisciplinary teams for comprehensive research, administration, and dissemination initiatives.

## 7.2. General Inventory of Intangible Cultural Heritage

To provide current information on events covered by the Convention, the General Inventory compiles data from both State and Autonomous Community sources. It includes intangible cultural goods that Autonomous Communities have declared with the highest degree of protection, as well as those protected by the General Administration of the State under the category of Representative Manifestation of the Intangible Cultural Heritage.

## 7.3. Representative Manifestation of the Intangible Cultural Heritage

This is a new form of patrimonial protection, declared by the General Administration of the State, for elements of intangible cultural heritage meeting one of the following criteria:

- a. When they extend beyond the territorial scope of an Autonomous Community without a legal instrument of cooperation for comprehensive protection.
- b. When requested by the Autonomous Community where the demonstration takes place.
- c. In the case of a tradition shared by multiple Autonomous Communities.
- d. When they may appear to be associated with or linked to State-owned public services or assets assigned to the National Patrimony.

## 8. ACTIVITIES OF ETHNOLOGICAL INTEREST REGISTERED IN THE GENERAL CATALOG OF ANDALUSIAN HISTORICAL HERITAGE

From the analysis of the Statistics of the Historical Heritage of Andalusia, as shown in the accompanying table (Table 1), it is observed that until 2023, there were a total of 97 activities of ethnological interest. Among them, 66 were designated as Bien de Interés Cultural (BIC), 13 were linked to specific categories—1 to a Monument, 6 to a Heritage Zone, and 6 to a Place of Ethnological Interest. Additionally, 18 activities have been subject to the protection of ‘general cataloging’

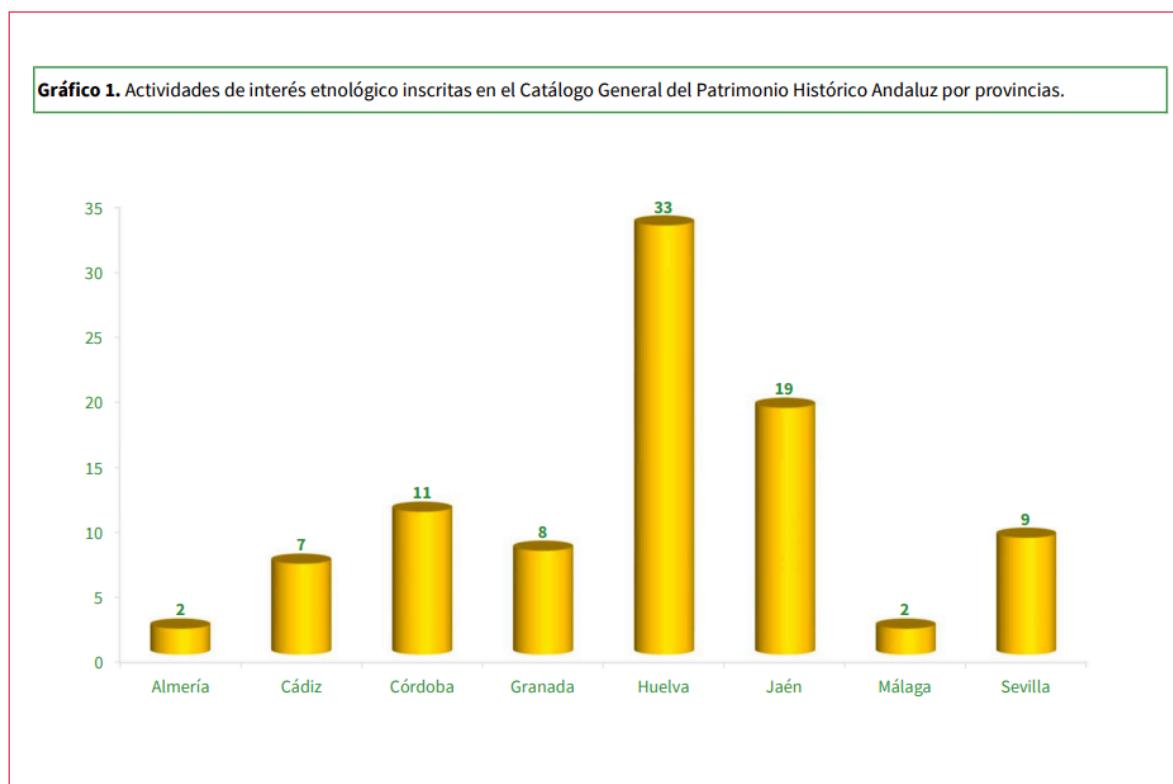
The distribution of declarations by provinces (Table 1) reveals that the province of Huelva has the highest accumulation of declarations (33), followed by Jaén (19), Córdoba (11), Sevilla (9), Granada (8) and Cádiz (7). Málaga follows at a greater distance with 2 declarations. In contrast, Almería has declared only one activite. The reasons for this disproportion can be attributed to the initiatives taken by different territories.

Huelva, with its two natural parks, *Odiel* and *Sierra de Huelva*, in addition to the Doñana National Park, boasts 14 cities declared as Historic Complexes in its Sierra. Moreover, the province features unique ethnological activities such as pilgrimages—Rocío in Almonte and *Virgen de la Fuensanta* in *Almonaster la Real*—a historical mining activity deserving of a Heritage Zone: *Riotinto-Nerva*, and the production of pasture with the ritual of slaughtering the Iberian pig and cork manufacturing. All these factors have contributed to this high proportion.

The competent organizations responsible for declaring and protecting ethnological heritage activities in Andalusia are the Regional Department of Culture and Historical Heritage and the General Directorate of Cultural Property. The Regional Department also oversees the Andalusian Institute of Historical Heritage (IAPH), a public business agency. In terms of intangible heritage, the IAPH has developed the Atlas of the Intangible Heritage of Andalusia and, notably, the Methodological Guide for the design of Special Plans for the Safeguarding of Intangible Cultural Heritage in accordance with Law 10 on May 25th, 2015, of Intangible Heritage and the Registry of Landscapes of Cultural Interest of Andalusia, in line with the Florence Convention of 2000, ratified by Spain in 2008.

Of all the declared activities, the following deserve to be highlighted.

**Gráfico 1.** Actividades de interés etnológico inscritas en el Catálogo General del Patrimonio Histórico Andaluz por provincias



Tab. 1. Distribution of Activities by province 2023 © Regional Department of Culture and Sport.

## 8.1. The Pilgrimage of the Rocío, the Village and the Sanctuary in Almonte (Huelva)

On May 9, 2023 (BOJA May 12, 2023), the Regional Department of Tourism, Culture and Sport has registered as an Activity of Ethnological Interest the Pilgrimage of El Rocío in Almonte (Huelva), which complements the Village and the Sanctuary of El Rocío, which is considered a Historic Site by Decree 166/2006 of 26 September (BOJA of 4 October 2006). One year before the approval of Law 14/2007 (LPHA). The delimited space enjoyed a first protection granted by Decree 1348 of June 7th, 1973 (BOE of June 26, 1973, which declared picturesque place "The Sanctuary of Our Lady of Rocío and the area that surrounds him". The place, like all those in its category, came to be considered a Property of Cultural Interest, by virtue of the provisions of the Eighth Transitory Provision of Law 16/1985 LPHE.

The Historical Site refers only to the Village, Sanctuary, its public spaces, and a consideration of its territory that is considered "a meeting or hinge of the ecosystems present in the rich natural environment of Doñana"<sup>32</sup> and that forms a cultural landscape (IAPH: 2016). That is why the protection of the Pilgrimage as an Activity of ethnological interest (Figure 1).

**Figura 1.** Parade of the *Hermandad del Rocío de Barcelona* through the village on the way to the Sanctuary. The cultural diversity and the union of different identity symbols are evident. The carriage that carries the *Simpecado* uses modernist columns from the *Sagrada Familia* temple in Barcelona, the work of Gaudí



© Javier Verdugo

<sup>32.</sup> Villa, Andreu 2020, pp. 281-296, Verdugo 2020, pp. 31-56.

## 8.2. The Cádiz Carnival

The Cádiz Carnival is one of the most famous and important popular festivals in Spain (Plate 2). It has its roots in the 16th century and continues an upward development towards a stage of splendor in the 19th and 20th centuries, which was even maintained during the Dictatorship under the title of Typical Gaditan Festivities. After the democratic recovery, the Carnival has been increasing its fame and improving its organization. Such cultural importance has earned it the title of Festival of International Tourist Interest. In 2019, the Junta de Andalucía agreed by Decree 609/2019, of December 10, to register in the General Catalog of Andalusian Historical Heritage, as an Property of Cultural Interest, the Activity of Ethnological Interest called *El Carnaval de Cádiz (Cádiz)*. In the explanatory memorandum of the declarative decree, it is stated:

“The Cádiz Carnival is an urban sociocultural expression, a festive ritual that constitutes an asset of Andalusian cultural heritage. It is an activity of ethnological interest that also presents significant spaces and places as well as numerous associated expressions of very diverse types and characteristics. It is pertinent to add his contribution to the transformation of urban space into public space, into a space intensely lived by citizens. Of course, during the festive celebration but, also, with its symbolic extensions, during the rest of the year. The carnival de facto turns numerous enclaves of the city into places of ethnological interest: the street, in its most all-embracing and complex sense, can be interpreted as a cultural space inherent to the festival, with certain places in the Historic Complex of the city being especially significant. city, among which it is worth mentioning the neighborhoods of *La Viña* and *El Pópulo*, as well as the Falla Theater”.

The decree describes the scope of development of the activity, which due to its unpredictable nature and dynamism makes it difficult to establish a precise scope, practically encompassing the historic center of the city of Cádiz. However, the main areas are the Falla Theater, the public spaces of the neighborhoods of *La Viña* and *del Pópulo*, the *Plaza de las Flores* and the Market, the *Plaza Candelaria*, the *Plaza Mina*, and the *Plaza San Antonio*.

For the safeguarding, maintenance, and custody of the Cádiz Carnival, the decree provides specific recommendations. These guidelines are directed at public administrations with competence over the activity and organizations, clubs, or associations directly involved in its organization:

1. It is recommended to prioritize the safeguarding, maintenance, and custody of the Carnival of Cádiz by focusing on knowledge, recovery, conservation, transmission, and revitalization of this cultural activity. This should be done in accordance with the legal measures outlined in the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003). The term “safeguarding,” as defined in Article 2.3 of the Convention, includes measures aimed at ensuring the viability of intangible cultural heritage. These measures involve identification, documentation, investigation, preservation, protection, promotion, valorization, transmission (mainly through formal and non-formal education), and revitalization of the heritage in its various aspects. Public administrations, as outlined in Article 15, are expected to strive for the broadest possible participation of

the communities, groups, and individuals involved in creating, maintaining, and transmitting the heritage, actively involving them in its management.

2. The ephemeral nature of carnival craft production, including street decorations and floats, underscores the extraordinary importance of compiling and treating various expressions related to the Cádiz Carnival. This involves documenting different forms of expression, such as printed, graphic, audiovisual, and textile materials, as a means of safeguarding these manifestations through their documentary references (Figure 2).
3. A special emphasis should be placed on the importance of documentary collections and archives. These collections may contain valuable information about proceedings and other documents, including those related to the Official Contest of Carnival Groups. Archives of newspapers, graphic media, audio recordings, and audiovisual documents pertaining to the Cádiz Carnival are also noteworthy for their contribution to preserving and understanding this cultural heritage.

**Figure 2.** On the left, the poster for the 1992 Cádiz Carnival was designed by the poet Rafael Alberti, who also served as the Carnival town crier. The poster captured the essence of the carnival spirit, which is deeply rooted in the cultural identity of Cádiz, making it a memorable piece in the history of the Carnival. To the right, the image captures the lively atmosphere of the bustling streets



© Public Domain.

### 8.3. Draw of the Hazas of “Suerte”: Luck of the Common of Neighbors of Vejer de la Frontera (Cádiz)

This expression of intangible heritage includes a communal and legal ritual of more than seven centuries old that dates to the reign of King Sancho IV (1258-1295) who to encourage the arrival of new settlers to this area, exposed to the dangers of the border with the Muslim kingdom of Granada, granted them, in addition to fiscal privileges, some lots of land without

the need to answer to any lord. From there the *hazas* are born as property of the council. Since 1868 it has a written regulation, which has been modified on numerous occasions, the last in 1992, to adapt it to social and economic reality.

This manifestation has been jealously guarded by the residents of *Vejer de la Frontera* throughout its history as something unique and their own, a clear sign of identity shared by people from all social conditions.

It is a cultural fact in which all the people who are the protagonists are involved. The spirit of the *hazas* is not the amount of money that the graceful obtains, it is the emotion and pride of feeling graceful and being a direct agent of a old tradition that many generations of ancestors have jealously guarded as heir to a spirit of solidarity and generous At the same time, it is necessary to highlight that the expectation and illusion experienced by the people of *Vejer* in the days prior to the festive ritual of the draw, neighborhood relationships, emotions and the moral commitment that flourishes in these days of explaining to younger people the meaning of this tradition, it is presented as an excellent example of intangible cultural heritage.

It is essential to recognize that the significance of the *hazas* goes beyond the tangible rewards. The anticipation and excitement in the days leading up to the festive draw contribute to strengthening neighborhood relationships, evoking emotions, and instilling a moral commitment. This period becomes an excellent example of intangible cultural heritage, as the community comes together to transmit the profound meaning of this tradition to younger generations.

The residents of *Vejer* actively contribute to the creation, preservation, and recognition of the Draw of the *Hazas* of 'Suerte' as an integral part of their cultural heritage. This heritage is passed down from generation to generation and is continually revitalized, instilling a profound sense of identity and continuity.

During the draw, 232 farms or communal labor plots are distributed by lot. Each fortunate individual, also referred to as a colonist, is assigned to work one or two farms owned by the common neighbors for a period of four years.

Participation in this quadrennial raffle, held every December 22, comes with essential requirements. Participants, known as settlers, must be registered, and born in *Vejer de la Frontera*, with exclusion of previous draw winners.

Recognizing its unique characteristics, the Draw of the *Hazas* of 'Suerte' was designated an Activity of Ethnological Interest by Decree 103 on July 21, 2020 (BOJA, July 27, 2020). It is registered in the General Catalog of Andalusian Historical Heritage as a Property of Cultural Interest (BIC). This inscription facilitates its protection, enhances visibility of its intangible heritage, and ensures the continuity of its existence, safeguarding its conservation under the same conditions as its legacy.

The protection decree outlines a detailed description of the 232 farms, including the Theater of *San Francisco* and its surroundings, which serve as the physical location for the draw. Surrounding areas such as the *Plaza de San Francisco* and *La Plazuela* are recognized as 'places of sociability and socialization' during the leap year when *Vejer* celebrates this centennial festive ritual. The norm also encompasses the protection of movable property and related documentary heritage, such as Hype of the neighbors and Hype of the *Hazas*, Balls, Tablets, the Neighborhood Register, Regulations, Minutes of the draws, and documents related to lawsuits between the residents of *Vejer* and the *Casa de Medina Sidonia*, located in the Archive of the Royal Chancery of Granada.

## 8.4. The Three Kings Parade in Higuera de la Sierra (Huelva)

We bring here an example of activity of ethnological interest that has been protected with the figure of “general cataloging property” (article 7 of the LPHA) which is a second level of protection for those heritage elements that due to their nature or interest are not sufficiently relevant to be declared BICs. The inscription in the General Catalog of the Andalusian Historical Heritage is made by Order of the Authority responsible for safeguarding the historical heritage of the regional government of Andalusia. The 2019 statistics show 18 intangible heritage activities protected by this category. From all of them we have selected the Three Kings Parade of *Higuera de la Sierra (Huelva)*, which was declared by Order of June 10<sup>th</sup>, 2012 (BOJA, June 24, 2010).

1. The Three Kings Parade acquires a special significance, relevance, and uniqueness in *Higuera de la Sierra*, becoming the most important festival in this town. It is the second oldest parade in Spain after the one in Seville.
2. Another distinctive feature of the Three Kings Parade is its specificity and the richness of its aesthetic, scenography, and representative elements. Marked by a baroque and theatrical style, the parade largely recreates settings typical of the natural environment and traditional material culture of this mountain region.
3. The parade's significance extends beyond its visual appeal; it plays a vital role in fostering integration and social cohesion in a traditionally polarized municipality. By channeling and reinforcing sociability in terms of friendship, neighborhood bonds, associations, and gender, the event encourages massive participation from residents. This involvement spans various aspects, including organizational tasks, fundraising, float assembly, design, staging (Figure 3), as well as communal celebrations and reunions with family members and migrant friends.
4. The order describes the territorial scope of the activity, which is none other than its traditional route through the streets of the town, which is delimited according to coordinates that define a polygonal area. It is also urged that the responsible department proceed to their registration in the Regional Registry of planning instruments, and Cataloged Assets and Spaces, as well as in the Property Registry. No special urban protection measures are proposed, although their registration in the registers obliges the municipality to take the protected area into account in its planning regulations.

**Figure 3.** Float with a scene of the angel appearing to the shepherds.  
The actors are neighbors



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## 9. ANDALUSIAN INTANGIBLE HERITAGE REGISTERED IN THE REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY (UNESCO)

The declaration of World Heritage is a distinction granted by UNESCO to those elements with characteristics of exceptional value that make them unique in the world<sup>33</sup>. Spain, with a total of 48 elements inscribed on the World Heritage List, is the third country with the most declared elements.

The inclusion of these elements on the World Heritage List not only underscores our cultural wealth but also signifies the commitment of administrations and citizens to their preservation. It's crucial to recognize that the declaration of World Heritage marks not the conclusion but rather the initiation of a journey laden with responsibilities and commitments. The main objective is to uphold the Outstanding Universal Value of these manifestations for the benefit of future generations, forming part of the collective memory<sup>34</sup>, while also serving as a factor for sustainable economic development<sup>35</sup>.

In the Evaluation of the Global Strategy for a representative, balanced and credible World Heritage List (1994-2004), UNESCO World Heritage Committee, the list of declarations was verified, and the persistence of a western ethnocentric concept is applied with a high number

**33.** Luengo 2012, pp.124-137.

**34.** García 2012, pp.56-74

**35.** Verdugo 2003, 55-61; Aguado *et al.* 2023, pp. 280-289.

of European properties, not seeming to reflect the diversity of the world cultural heritage. There are areas overrepresented while candidacies are not presented that balance a more diverse and plural recognition. All this has generated controversy regarding the importance of European culture and its weight in “civilization” and the consideration of other cultural expressions: African, Asian or of indigenous America as “secondary”.

List of elements protected in Andalusia:

## 9.1. **FLAMENCO**

Inscription on the representative list of the intangible cultural heritage in 2010: Convention for the safeguarding of the intangible cultural heritage intergovernmental committee for the safeguarding of the intangible cultural heritage fifth session Nairobi, Kenya November 2010<sup>36</sup>.

*Flamenco* serves as the hallmark of identity for the Gypsy ethnic community. In the realm of *flamenco*, the term ‘Gypsy’ (*‘gitano’* in Spanish) carries no pejorative connotations; rather, it is a source of community pride. The terms ‘*gitano*’ and ‘*flamenco*’ are often used interchangeably. The Gypsy community has played a pivotal role in shaping and fostering the development of *flamenco*. This art form finds its roots in *flamenco* families and dynasties, acting as the crucible for its creation and evolution. Additionally, *flamenco* clubs, known as ‘*peñas*,’ and various associations have played crucial roles in supporting and preserving *flamenco* (Figure 4).

Andalusia stands as the heartland of *flamenco*, with most innovators and interpreters in *flamenco* song, music, and dance hailing from this region. The highest standards and quality contributions to the world of *flamenco* originate in Andalusia. Over time, *flamenco* has transcended its original geographical boundaries through performances in theaters, its increasing internationalization, its presence in cinema and literature, and its influence on other art forms such as painting, sculpture, and photography.

*Flamenco* has successfully established itself globally, with a significant presence in countries like France (hosting longstanding festivals in Mont de Marsans, Nimes, and Paris), the United States, the United Kingdom (home to events like the *Flamenco Festival*), Italy (*Flamenco Festival of Rome*), Argentina (Buenos Aires Biennial), Japan, and numerous countries in Central Europe, Latin America, and North Africa. These regions share clear cultural and musical ties to *flamenco*, evident in phenomena like the ‘*cantes de ida y vuelta*’ and Andalusian music.

Structures and performances to support *Flamenco* in Andalusian:

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**36.** Regarding the effects of enrollment, see, Bautista 2012, pp. 702-715; Durán, Navarro 2012, pp. 412-430.

### 9.1.1. *Instituto Andaluz del Flamenco (Andalusian Institute of Flamenco)*

The conservation and recovery of flamenco art as well as its dissemination and promotion are the objectives with which the Andalusian Institute of *Flamenco* was born at the beginning of 2005, a specific instrument of the Authority responsible for safeguarding the historical heritage of the regional government of Andalusia that combines all the policies undertaken up to that moment in the world of flamenco.

With the inclusion in article 68 of the new Statute of Autonomy of Andalusia of *Flamenco* as a singular element of Andalusian cultural heritage; and the declaration of Intangible Cultural Heritage of Humanity by UNESCO on November 16, 2010, Andalusian public institutions reinforced their commitment to work to keep this distinctive cultural sign alive and to spread it abroad.

**Figure 4.** On the left, the *Zambomba* of Jérez and Arcos de la Frontera, is a *flamenco* celebration that was declared a Bien de Interés Cultural (BIC) in 2015. This tradition is especially notable for its participatory nature and the significant involvement of women. It is celebrated around a fire, with flamenco singers performing Christmas carols and regional dishes being served



© *El Mira Jerez de la Frontera*. To the right, Museum of Flamenco Dance. Sevilla © Museum.

### 9.1.2. *Centro Andaluz de Documentación del Flamenco (Andalusian Flamenco Documentation Center) Pemartin Palace. Jerez de la Frontera*

The *Centro Andaluz de Documentación del Flamenco* is a service of the Department of Culture and Historical Heritage of the Andalusian autonomous Government, established by Decree 159 on October 13<sup>th</sup>, 1993.

It pursues the following objectives:

- The safekeeping and promotion of the traditional values of all artistic, literary, and musical manifestations that are exponents of the knowledge and feelings of Andalusian people related to the singing, dancing, and guitar-playing in flamenco art.

- The research, recovery, teaching, and diffusion of the deepest Andalusian heritage through the organization of seminars, courses, round tables, and all activities that help to spread *flamenco*. Also included is the publishing of specialized literature and magazines of studies and essays of *flamenco*.
- The collection and conservation of all documents, objects, and elements related to this art, and, in general, books and historical documents, recordings, films, and literature that serve to perpetuate the history of *flamenco* as an exponent of the knowledge and feelings of the Andalusian people.

The *Andalusian Flamenco Centre* is today the most important center of resources of this art. It provides resources for researchers, students, and *flamenco* enthusiasts in general. The different resources of the Centre are found in data bases that are available to all researchers and enthusiasts of this art.

#### 9.1.2.1. Museum of Flamenco Dance. Sevilla

The Museum of Flamenco Dance (*Museo del Baile Flamenco*) is an open portal to the magical world of *flamenco*. Has developed unique experiences where the facets of this art intertwine: dance, song, and guitar. One interactive museum as well as shows, which contribute to the understanding of *flamenco* by integrating the aesthetics and sensations specific to *flamenco* within events, publications, exhibitions, and store, just as many elements by making an overall experience. The *Flamenco Dance Museum*, unique in the world, has chosen an emotional language to guide visitors through the universe of this Heritage of Andalusia as well as of Humanity.

Was Founded by the artist Cristina Hoyos. Located in the heart of the city of Seville, its visit is a must for any visitor to the city wishing to know and feel the main cultural heritage of Andalusia: *flamenco*. Within its four floors, you will discover the unique and singular world of *flamenco* in all its facets.

### 9.2. Revitalization of the traditional craftsmanship of lime-making in Morón de la Frontera, Seville

Selected in 2011 on the Register of Good Safeguarding Practices

The traditional practice of lime-making served as a significant source of employment for *Morón de la Frontera*<sup>37</sup> and played a crucial role in defining its identity. However, with the advent of industrial lime production, traditional kilns fell into disuse, leading to the loss of knowledge and skills associated with this craft. The primary objectives of the project are to create awareness about the historical significance and importance of lime-making, as well as to enhance the living conditions of craftspeople (Figure 5).

In pursuit of these goals, the Cultural Association of the Lime Kilns of *Morón* was established, giving rise to an ethnographic center and a living museum that showcases the

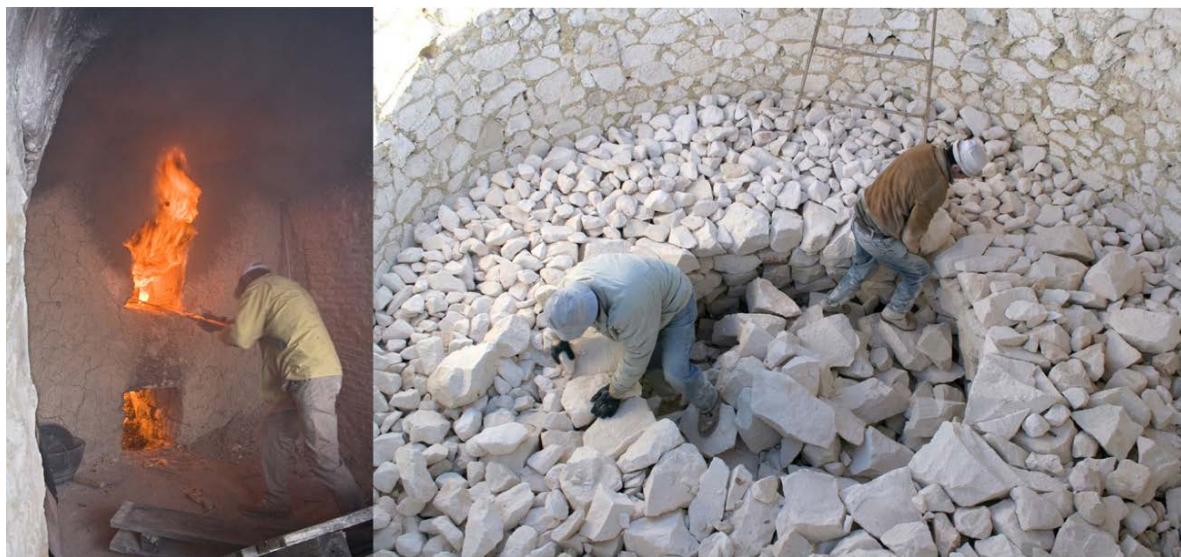
<sup>37.</sup> *Morón de la Frontera* is a city in the province of Seville, Spain. It covers an area of 431.94 km<sup>2</sup> and has a population of 27,357 inhabitants (2023).

lime-making process in its original setting. The restoration of kilns has been a key focus, and the project actively promotes the transmission of techniques to new generations. Collaborative outreach activities with lime craftspeople are designed to recover expertise and techniques for application in sustainable construction practices. The project has also generated audiovisual and print publications and participated in trade shows to showcase its achievements.

Beyond the local scope, the Association has engaged in a national project to raise awareness of fresco painting and an international initiative titled 'Transfer to Morocco (North Africa) of the Crafts Promotion Centers model.' Notably, the project has actively involved stakeholders and residents of *Morón de la Frontera* in its decision-making processes, ensuring a community-driven approach.

The protection measures implemented not only acted as an incentive for companies engaged in the production of lime and its derivatives but also played a pivotal role in establishing the Museum of Lime in *Morón de la Frontera*. This museum serves as a platform for the dissemination of a dynamic and comprehensive cultural heritage, encompassing both tangible and intangible aspects. At its core, the museum revolves around the figure of the craftsman and the rich culture inherent in their work. It aims to showcase the intricate elements of lime production, preserving the material and immaterial facets of this heritage for future generations.

**Figure 5.** Manufacture of lime in *Morón de la Frontera* (Sevilla)



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### 9.3. Fiesta of the patios in Córdoba

Inscribed in 2012 on the Representative List of the Intangible Cultural Heritage of Humanity.

For twelve days at the beginning of May, the city of Córdoba<sup>38</sup> celebrates the *Fiesta of the Patios*. The patio houses are communal, family, or multi-family dwellings or sets of individual houses with a shared patio, located in the city's historical quarter. This characteristic cultural space boasts an abundant array of plants, and during the fiesta inhabitants freely welcome all visitors to admire their beauty and the skill involved in their creation. The patios also host traditional singing, flamenco guitar playing and dancing. Ancestral practices of communal coexistence are shared with people who visit through expressions of affection and shared food and drink.

The fiesta is perceived as an integral part of this city's cultural heritage, imbuing it with a strong sense of identity and continuity. It requires the selfless cooperation of many people from all age groups, social strata, and backgrounds, promoting and encouraging teamwork and contributing to local harmony and conviviality. It is guided by secular traditions, knowledge, and skills, which take form in the luxuriant, floral, chromatic, acoustic, aromatic, and compositional creativity of each patio – an expression of the symbolism and traditions of Córdoba community, and especially the residents who dwell in these patio houses (Figure 6).

**Figure 6.** Family reunion in a courtyard in Córdoba



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#### 9.4. TAMBORADAS DRUM-PLAYING RITUALS: BAENA (CÓRDOBA)

Inscribed in 2018 on the Representative List of the Intangible Cultural Heritage of Humanity.

**38.** Córdoba is a city and municipality in Andalusia. It is home to a population of 319,515 inhabitants in 2022, making it the third largest and most populated city in Andalusia after Seville and Málaga. It boasts four elements listed as UNESCO World Heritage Sites: The Mosque-Cathedral and the Historic Centre of Córdoba, The Caliphate City of Madinat Az-Zahra, and the Festival of the *Patios*.

*Tamboradas* are dynamic drum-playing rituals characterized by the thunderous and synchronized beating of thousands of drums, resonating continuously for days and nights in public spaces across towns and villages. This annual spectacle creates a mesmerizing auditory landscape, fostering a profound sense of identity and communal connection. Intrinsically linked to Catholic Holy Week celebrations, *tamboradas* hold special significance that varies across different locations, specific days, and times. Whether rooted in religious devotion or embraced as a secular and playful tradition, the practice cultivates a shared sense of emotion and respect.

The *tamboradas* encompass a rich tapestry of local craftsmanship, involving distinctive costumes, diverse instruments, and intricate drumbeats and rolls. Families and women play pivotal roles in sustaining and evolving these traditions. Shared meals in public spaces further contribute to a warm and friendly atmosphere, enhancing the sense of community.

Preparations for the ritual extend throughout the year, with communities organizing into distinct groups. The transfer of knowledge occurs within these groups, predominantly led by experienced individuals, fostering a profound sense of belonging and connection to the ritual within the entire community. Intergenerational transmission is ensured through various events, including children's and national *tamboradas*, drum roll and embroidery workshops, and competitions, thus securing the continuity of this vibrant cultural practice.

The *tamboradas* are a characteristic tradition found in many regions of Spain, and the locations included in this candidacy are in towns and villages in the provinces of Córdoba, Teruel, Valencia, Castellón, Murcia, and Albacete.

In Córdoba, the town of Baena<sup>39</sup> (Figure 7) participates in this cultural practice. In Teruel, several towns engage in *tamboradas*, including Albalate del Arzobispo, Alcañiz, Alcorisa, Andorra, Calanda, Híjar, La Puebla de Híjar, Samper de Calanda, and Urrea de Gaén. In Albacete, Agramón, Hellín, and Tobarra are part of this tradition. Alzira represents Valencia, Alcora in Castellón, and in Murcia, Moratalla and Mula are integral to the *tamboradas*.

These diverse locations contribute to the richness and variety of *tamboradas*, showcasing the cultural significance and unique expressions of this vibrant tradition across different regions of Spain.

**Figure 7.** Participation of adults and children in the *Tamborada* of Baena on Holy Wednesday



© Manuel Roldán Galisteo, 2010

**39.** It is a municipality in the province of Córdoba. It has an area of 362 km<sup>2</sup> and 18885 inhabitants.

## 9.5. The Manual Ringing of Bells

Inscribed in 2022-2024 together with 16 other Spanish autonomous communities and Italy.

Over the centuries, the manual ringing of bells has served as a means of expression and communication in Spain, fulfilling a series of social functions, from the exchange of information to coordination, protection, and cohesion. The coded messages transmitted through the different bell sounds are recognized by the various communities and contribute to structuring local life. There is a wide variety of sounds determined by the techniques (striking, swinging, or full circle ringing) combined with the skills of the bell ringers and the physical characteristics and acoustic properties of the bells, towers, and surroundings. These elements come together to create a unique and rich repertoire both in the religious sphere and in the civic one, to mark different moments of the day, alert the population to natural events such as fires or storms, signal festivities and funerals, and announce news or other events.

Bell ringing is also a central part of local events, celebrations, and performances. The practice is passed down from the bell ringers to younger generations and sometimes to groups or organizations of bell ringers, in addition to being documented and researched, also in song, transmitting, preserving, and spreading the traditional art of bell ringing. Most of the communities that pass on this knowledge are young people who try to attract new enthusiasts to continue the practice.

**Figura 8.** Toque de campanas



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## 9.5. Mar de Olivos, Sea of olives trees

The Ministry of Culture proposed the inclusion of “Sea of Olive Trees: The Landscapes of the Olive Grove in Andalusia” in the UNESCO World Heritage List. This landscape, composed of 66 million trees in the province of Jaén, was submitted as a candidacy in 2022, but its decision has been delayed for various reasons. Firstly, there is a lack of clarity on the boundaries, as

there is a desire to incorporate other provinces. It is a “complex, rich, and inclusive” project that involves municipalities, universities, agricultural organizations, and various entities to highlight its cultural, ethnographic, artistic, and industrial value.

This candidacy is significant for Andalusia and southern Spain not only for its value as a cultivation but also for its meaning in the coexistence of cultures, literary and artistic references, and its connection to national gastronomy. The “sea of olive trees” (Figure 8) extends beyond the borders of the province of Jaén, and therefore, it has the support of the Provincial Councils of *Granada, Córdoba, Málaga, Seville, and Cádiz*, in addition to the initiative of the Provincial Council of Jaén since 2014.

However, obstacles have arisen that have delayed the decision. On the one hand, there are complaints from some farmers who are uncertain about the benefits of being part of the protected world heritage, as it could impose stricter conditions for landscape conservation if declared a Cultural Interest Property.

Furthermore, UNESCO has reservations about Spain due to threats to the *Mar Menor* in *Murcia* and *Doñana* in Andalusia, particularly related to overexploitation of aquifers by farmers. This led to the signing of an agreement in November 2023 between the central and regional governments for the sustainable development of the *Doñana National Park*, with an investment of 1.4 billion euros for the park and its surroundings.

In summary, the candidacy of the “sea of olive trees” is still awaiting a decision, influenced by various factors, including candidacy boundaries, farmer concerns, and UNESCO’s concerns about other natural areas in Spain.

**Figure 9.** Landscape of the Sea of Olives of Andalusia



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## 10. PERSPECTIVES OF THE FUTURE

### 10.1. At the level of the Spanish state:

The Fifth Final Provision of Law 10 in May 25<sup>th</sup>, 2015 for the Safeguarding of the Intangible Cultural Heritage authorized the Government to prepare, before 31 December 2019, a consolidated text in which they would be integrated, duly regularized, clarified and harmonized, the Law 16 in June 25<sup>th</sup>, 1985 (LPHE), on the Spanish Historical Heritage and the law for the safeguarding of the intangible cultural heritage, as well as the provisions on the protection of the historical heritage contained in regulations with the status of law.

Building upon this mandate, on June 22, 2021, the Council of Ministers resolved to submit to the Chamber of Deputies the Draft Law amending Law 16 on June 25th, 1985 (LPHE) and Law 10 on May 26th, 2015, for the safeguarding of the Intangible Cultural Heritage. On this preliminary draft, on July 19, 2021, ICOMOS-Spain presented arguments<sup>40</sup>, which, concerning intangible heritage, include the following:

The protection of historical heritage inevitably involves the safeguarding of its intangible values, and legislation must ensure that it is correctly interpreted, ensuring that the transmission of the heritage message conforms to scientific methods and impartial postulates with respect to considerations of any kind unrelated to its heritage values. It is proposed to incorporate a new paragraph: The interpretation of the intangible values of cultural assets (BICs) should be developed expertly, in accordance with the heritage values that justified the declaration and without altering its authenticity, integrity and meaning. In the case of Cultural Properties of World Interest, the owners and competent administrations must preserve and disseminate the values that justified the declaration of World Heritage.

Regarding the provisions of Article 25bis in the preliminary draft, which introduces a new protection category: Cultural Property of World Interest, the text reads:

To ensure cultural communication in accordance with Article 149.2 of the Spanish Constitution and to coordinate compliance with the international commitments undertaken by the Kingdom of Spain, any immovable property listed in the World Heritage List as mentioned in Article 11.2 of the Convention on the Protection of the World Cultural and Natural Heritage of November 23, 1972, may be designated as Cultural Property of World Interest.

The designation of Cultural Properties of World Interest will be carried out through a royal decree, based on the recommendation of the Minister of Culture and Sport, following consultation with the Autonomous Community where the property is situated".

In this regard, the ICOMOS report states:

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**40.** The Professor Celeste Jiménez de Madariaga and Javier Verdugo Santos have participated in these allegations.

There has been no debate on the appropriateness of a new category of Cultural Property of Global Interest. In any case, such a designation should not lead to differential treatment of items already recognized by UNESCO.

The declaration of a Cultural Property of World Interest, based on the inclusion of an element in the UNESCO World Heritage List, should not trigger a reassessment or revaluation of the said element. Instead, it should adopt the assessment made by UNESCO during its declaration as World Heritage. Furthermore, this evaluation (translated into the criteria UNESCO uses to declare each asset) should be included as justification for the Cultural Property of World Interest category in the technical data sheets of the catalogues/inventories for the protection of the historical heritage of each Autonomous Community.

There has not been a debate on the advisability of establishing a Board of Supervisors for each of the elements declared in this category, nor has there been an analysis of the advantages and disadvantages of further bureaucratizing their management. The recommendation from ICOMOS-Spain, recognized as an advisory body to UNESCO under the World Heritage Convention, is that the Local Protection of Heritage Elements (LPHE) should adhere to the Practical Guidelines for the Implementation of the World Heritage Convention. Within this framework, the Guidelines necessitate the presence of a Management Plan and Agency. The Agency may take various forms, but it must be represented by competent administrations and civil society. This representation should include the university, the citizens' movement, the creative community, and heritage organizations and collectives to ensure democratic management of World Heritage Properties. Regarding the votes cast by each entity participating in the Management Agency, efforts should be made to balance different interests.

The preliminary draft amends the heading of Title VI to be renamed: *Of the Intangible Ethnographic and Cultural Heritage*

The ICOMOS report states:

The proposal for the name of Title VI is not consistent. The name "Of the Intangible Ethnographic and Cultural Heritage" is proposed, applying the term cultural only to the intangible heritage and not to the ethnographic one. It should therefore be entitled "Of Ethnographic and Intangible Heritage."

The use of the term ethnological heritage rather than ethnographic heritage has also become widespread in the laws of the Autonomous Communities; it would also be useful to discuss the terminology to be used.

On article 46 of the preliminary draft, which reads:

The Spanish Historical Heritage includes movable and immovable property and the knowledge and activities that are or have been relevant expressions of the traditional culture of the Spanish people in its material, social or spiritual aspects.

All these properties, knowledge and activities are also considered Intangible Cultural Heritage.

ICOMOS states in this regard:

There has not been a debate on the advisability of establishing a Board of Supervisors for each of the elements declared in this category, nor has there been an analysis of the advantages and disadvantages of further bureaucratizing their management. The recommendation from ICOMOS-Spain, recognized as an advisory body to UNESCO under the World Heritage Convention, is that the Local Protection of Heritage Elements (LPHE) should adhere to the Practical Guidelines for the Implementation of the World Heritage Convention. Within this framework, the Guidelines necessitate the presence of a Management Plan and Agency. The Agency may take various forms, but it must be represented by competent administrations and civil society. This representation should include the university, the citizens' movement, the creative community, and heritage organizations and collectives to ensure democratic management of World Heritage Properties. Regarding the votes cast by each entity participating in the Management Agency, efforts should be made to balance different interests.

On the other hand, extending the concept of Intangible Cultural Heritage to the extent that article 46.2 does so can be confusing and counterproductive. Considering that all the elements incorporated into the concept are affected by the UNESCO Convention, it means that the already insufficient resources available will have to be shared among more elements, resulting in a detriment to those recognized by the Convention as Intangible Cultural Heritage. This could even be interpreted as a breach of the ratified text. Conversely, if it is considered that these incorporated elements are not affected by the Convention, there is confusion about the meaning of the term Intangible Cultural Heritage. This confusion is to the detriment of safeguarding itself, as it questions the concept enshrined in the Convention, particularly concerning the decision-making capacity of the bearer community in determining which elements constitute Intangible Cultural Heritage.

Finally, not all ethnographic/ethnological goods are of an immaterial nature (as the addition points out). There are real estate and movable property of an ethnological nature that at present do not present any kind of use, expression, practice, knowledge, or technique of an immaterial nature. The Intangible Cultural Heritage is a living heritage, which is manifested today and to which (yes) certain spaces, buildings and movable objects are linked. But there is ethnological heritage regardless of the immaterial, as are all traditional buildings and all objects and utensils, many of them already in disuse. Article 47 elaborates on it to a greater extent and therefore proposes to redraft this article rather than enclose the addition that creates confusion.

ICOMOS also submits arguments to Article 47 of the Preliminary Draft Law:

"Article 47

Article 47

1. Immovable properties of an ethnographic nature shall be governed by the provisions of Titles II and IV, as well as the provisions of Law 10/2015 of May 26, on the safeguarding of intangible cultural heritage, buildings, and facilities whose constitutive model is the expression of knowledge acquired, established, and traditionally transmitted, and whose craftsmanship conforms wholly or partially to a class, type, or architectural form traditionally used by communities or human groups.
1. Movable properties of an ethnological nature shall be governed by the provisions of Titles III and IV, as well as the provisions of Law 10/2015 of May 26, concerning all objects that constitute the manifestation or product of labor,

aesthetics, and joy activities inherent to any human group, deeply rooted and routinely transmitted.

1. The uses, representations, expressions, knowledge, and techniques, as well as the instruments, objects, artifacts, and cultural spaces inherent to them, shall be considered intangible cultural heritage and enjoy administrative protection, which communities, groups, and, in some cases, individuals recognize as an integral part of their historical heritage.
1. In the event of knowledge or activities that may disappear, the competent administration shall take appropriate measures for the scientific study and documentation of these assets, in accordance with the provisions of Law 10/2015 of May 26.

The arguments (ICOMOS) are as follows:

This provision includes ethnographic heritage (real estate and furniture) and intangible heritage, regulating them in three different sections. A terminological incoherence appears while on the buildings one speaks of "ethnographic character" (paragraph 1), for the movable heritage one speaks of "ethnological character" (paragraph 2).

The definition given in paragraph 3 on intangible cultural heritage is the same as that given in the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in 2003, except for the end where it states: "... that communities, groups and in some cases individuals recognize as an integral part of their Historical Heritage", since the Convention refers to "cultural heritage", which again suggests the need for a debate on this issue.

Immovable and movable property of an ethnological nature is governed by the relevant titles, as set out in paragraphs 1 and 2. However, for intangible cultural heritage in paragraph 3, it is only stated that "shall enjoy administrative protection", but no specific form of protection is specified. Law 10 in May 26<sup>th</sup> 2015, for the Safeguarding of the Intangible Cultural Heritage, contemplated the figure of "representative manifestation" and, in fact, there are already a good number of statements of "representative manifestations" in Spain. However, it is not specified whether other protective features will be regulated.

It is very relevant that paragraph 4 should include a reference to "knowledge or activities likely to disappear", but it is insufficient that the only action to be taken is "the scientific study and documentation of these goods"; there should be more involvement.

In short, we are facing an uncertain future in terms of State legislation. The conclusion we have again in the ICOMOS report:

Although the Draft Law improves certain specific issues relating to the protection of the Spanish historical heritage and the effort to solve some of the essential problems that have emerged in recent years is noted, suffers from two problems which, in our view, suggest withdrawing it and addressing the reform of State regulations on cultural heritage from a different perspective in at least these aspects:

The historical assets that make up the Spanish Historical Heritage "have become patrimonial due exclusively to the social action they carry out, directly derived from the appreciation with which the citizens themselves have been revaluing them". This social action, articulated through the appreciation of the citizenry, is one of the pillars of the preservation of our historical assets. However, such appreciation cannot be understood as mere contemplation or admiration, but as a real participation in its management

(protection, dissemination, etc.), also from the point of view of intervention in normative processes. However, the draft has been drawn up without dialogue with the bodies and entities involved in the Spanish historical heritage".

To date, the Ministry has suspended the drafting of the consolidated text.

## 11. PERSPECTIVES IN ANDALUSIA

Regarding Andalusia, in 2025, a new Cultural Heritage Law is being debated, which will replace Law 4/2007 on Andalusian Historical Heritage. Among the new features, in relation to intangible or ethnological heritage, the first to highlight is the adaptation of the new text to Law 10/2015 of May 26 on Tangible and Intangible Heritage, and to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage; the 2003 Landscape Convention; and the 2005 Faro Convention. Secondly, the law includes a regulation of the role of the Autonomous Community in relation to UNESCO Heritage assets, both tangible and intangible, covering both the procedures for their designation and the monitoring of their management.

In the explanatory memorandum of the new law, it states:

An update is being carried out to the concept of historical heritage, which will now be referred to as cultural heritage, incorporating within it the most modern conceptions of cultural heritage. This encompasses, in addition to the traditional categories, intangible heritage, industrial heritage, and audiovisual heritage, under a holistic concept of both tangible and intangible cultural heritage.

Regarding Ethnological Heritage, a modification of its definition is proposed based on a holistic concept of cultural heritage. In this way, terminology more in line with UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage is employed, which was not incorporated at the time of the enactment of Law 14/2007, of 26 November, as it had only recently been ratified by the Spanish State. Consequently, as a significant innovation of this law, a specific regulation of intangible cultural heritage is included, taking into account the procedural and immaterial nature of these cultural manifestations and their connection to the movable and immovable objects inherently associated with them, while also incorporating into the regional legislation the fundamental principles of the Convention.

With these modifications, the forthcoming Andalusian law acknowledges the importance of this heritage in relation to cultural diversity and as a guarantor of sustainable development, as highlighted, among others, in UNESCO's 1989 Recommendation on the Safeguarding of Traditional and Popular Culture, the 2001 UNESCO Universal Declaration on Cultural Diversity, the 2002 Istanbul Declaration, and the Andalusian Charter for the Safeguarding of Intangible Cultural Heritage. It places tangible and intangible heritage on an equal footing and proposes a new approach for its protection. The importance of transmitting traditions and culture from generation to generation is emphasized, along with the recognition that culture is a living entity that evolves over time. The text also underscores the need to apply anthropological methods in addressing this type of heritage and stresses that public administrations should actively foster the participation of communities that preserve these traditions.

Particularly significant is the inclusion of a chapter dedicated to World Heritage and UNESCO Intangible Cultural Heritage, adapting to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage and its Operational Guidelines. A novel regulatory framework is established for the processing of initiatives in Andalusia for inscription on the World Heritage Lists, as well as the Lists of the Intangible Cultural Heritage of Humanity, specifying who may submit such initiatives and the preliminary requirements that the proposed properties must meet. A property or properties designated as World Heritage, along with any buffer zone, where applicable, shall constitute a World Heritage Site and must develop a Site Management Plan, in accordance with the practical guidelines implementing the World Heritage Convention. For the purposes of the World Heritage Convention, each declared World Heritage Site shall have a single manager for all properties included in the site, who will serve as the liaison with UNESCO and with the relevant national and regional administrations. World Heritage Sites inscribed on the UNESCO World Heritage List must establish a Coordinating Council, or a similar body, for monitoring the implementation of the Site Management Plan, including as members representatives of the affected administrations and the owners of properties included within the designated World Heritage property and its buffer zone.

At the time of writing this work, in June 2025, the draft bill is in the public information phase; therefore, the final text may differ.

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