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Assessing the Legal Protection of Intangible Cultural Heritage in Saudi Arabia: A Critical Analysis in the Context of the 2003 UNESCO Convention

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Abstract: Saudi Arabia boasts a diverse and abundant cultural heritage that reflects a fusion of pre-Islamic and Islamic civilizations, serving as a precious legacy for future generations. Confronted with the challenges arising from globalization and rapid development, preserving intangible cultural heritage has become increasingly challenging, particularly in the absence of comprehensive heritage policies. The initial steps toward conservation were taken in 1972 when legislation was enacted to protect historical and cultural sites. However, it was not until 2014 that a new law was introduced to address the gaps left by the 1972 law. Unfortunately, this legal protection predominantly centered on tangible aspects of cultural heritage, leaving the equally important intangible cultural heritage neglected and unprotected. This study aims to evaluate the existing legal mechanisms in Saudi Arabia for the preservation and protection of intangible cultural heritage. It identifies the existing deficiencies and obstacles in the current cultural heritage framework regarding the preservation of intangible cultural heritage in Saudi Arabia. Our analysis focuses on how Saudi Arabia aligns with the principles and guidelines established by the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage.

Keywords: intangible cultural heritage; Saudi law; UNESCO; international law



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1. Introduction

The significance of cultural heritage lies in the invaluable “living culture” that is passed down from one generation to the next (Petronela 2016). For a community, the intangible aspects of cultural heritage carry economic and social importance. They are essential for preserving identity and ensuring continuity. Saudi Arabia boasts a diverse and thriving cultural heritage, encompassing a wide array of traditions and continuous growth in numerous cultural sectors such as music, performing arts, publishing, and handcrafts, among others. In 2008, Saudi Arabia ratified the 2003 UNESCO Convention on the Protection of Intangible Cultural Heritage. Since then, the country has exerted significant efforts to propose elements for inclusion on the UNESCO Intangible Cultural Heritage List. The kingdom has successfully inscribed eleven intangible cultural heritage elements on this prestigious list. These include the Traditional weaving of Al Sadu, Date palm knowledge, skills, traditions, and practices, Al-Qatt Al-Asiri (female traditional interior wall decoration in Asir), Almezmar (drumming and dancing with sticks), Falconry (a living human heritage), Arabic coffee (a symbol of generosity), Majlis (a cultural and social space), Alardah Alnajdiyah (dance, drumming, and poetry in Saudi Arabia), and Arabic calligraphy (UNESCO n.d.b). Nevertheless, these intangible elements of cultural heritage face the looming threat of rapid development and globalization within the kingdom.

The intangible cultural heritage of Saudi Arabia lacks a cohesive and comprehensive legal framework, one that can offer clear criteria for identifying these intangible assets and prescribe effective means for their protection. The existing legal framework has primarily concentrated on tangible cultural heritage, which was assessed based on objective and standardized criteria encompassing artistic, aesthetic, architectural, visual, scientific, and

economic value. Given the absence of current, specialized state legislation, Saudi Arabia must grapple with the challenge of dealing with a highly fragmented regulatory framework for intangible cultural heritage. This undertaking is further complicated by the fact that there is no specific intangible heritage law, as highlighted by the Ministry of Culture in its Cultural Vision for the Kingdom of Saudi Arabia, which notes that “regulations remain an obstacle in some areas”, including those related to intangible elements ([Ministry of Culture 2019b](#)). This article employs a narrative approach in discussing and evaluating the legal framework of intangible cultural heritage in Saudi Arabia. It sets out the legal provisions related to offering protection to cultural heritage. The first section of this article evaluates the significant legal provisions pertaining to this protection. The subsequent section of this article elaborates the role of the prominent national institutions in safeguarding intangible cultural heritage. Finally, the third and concluding section outlines the prevailing gaps and challenges within the present cultural heritage framework concerning the protection of intangible cultural heritage in Saudi Arabia. The analysis is centred on the extent to which Saudi Arabia aligns with the principles and guidelines laid out in the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage.

2. Research Methods

This article conducts an in-depth analysis of the legal cultural heritage framework in Saudi Arabia, with focus on the UNESCO Periodic Report on the Convention submitted by Saudi Arabia in December 2023, in order to determine the gaps and challenges in current regulations. It offers suggestions for addressing potential challenges within this framework. The primary research method employed involves textual analysis of primary legal sources and secondary academic materials, including 2003 UNESCO convention, laws, regulations, institutional research reports, and scholarly articles.

The aim is to assess the feasibility of Saudi cultural heritage regulations in safeguarding intangible cultural heritage and identifying any potential challenges that may hinder preservation efforts. Any deficiencies identified in the existing regulatory framework are accompanied by appropriate recommendations for improvement.

3. Review of the National Laws on Cultural Heritage

The initial legal protection for cultural heritage in Saudi Arabia can be traced back to the Basic Law of Government, issued in 1992 through Royal Decree No. (A/90). Article 29 of this law underscores the state’s role in supporting science, literature, and culture, emphasizing the preservation of Islamic and Arab heritage and contributions to the broader Arab, Islamic, and human civilization ([Basic Law of Governance 1992](#)). This law constitutes the foundation of the state’s duty to nurture culture, art, and scientific endeavors. Saudi Arabia’s first dedicated legislation for the protection of cultural heritage was introduced in 1972 ([Alshehaby 2018](#)). It took over thirty years to formulate and establish the legal principles and regulations for the protection of cultural heritage. During the early 20th century, there was a convergence of interests and efforts in the field of archeology in the Middle East, including Saudi Arabia. Western organizations and scholars sought to explore and study the rich historical and archeological heritage of the region, while Middle Eastern governments, including Saudi Arabia, recognized the need to protect and regulate their archeological sites and cultural heritage. The development of antiquities law is commonly shaped by the Western notion of safeguarding cultural property in its early stages. Key figures like Wallace Murray, the head of the Department of Near Eastern Affairs in the US State Department, likely played a pivotal role in establishing communication and collaboration between Western organizations and the Saudi Arabian government. Institutions like the National Geographic Society and the American School of Oriental Research also underscore the significance of scientific and academic cooperation in archeological endeavors ([Al-Baqawy 2018](#)). Scholars with geological and archeological backgrounds contributed their expertise by offering comments, suggestions, and advice, which were instrumental in shaping the initial laws and regulations governing archeological work in Saudi Arabia.

These regulations likely encompassed various aspects, such as issuing excavation permits, preserving artifacts, and delineating the roles and responsibilities of both foreign and local archeological teams (Al-Baqawy 2018). The legislation consists of 77 articles and encompasses general provisions related to the establishment of the Supreme Council of Antiquities, outlining its functions. These functions include proposing the overall policy for the Department of Antiquities, focusing on the restoration, protection, and excavation of heritage sites. Additionally, the Council has the authority to propose amendments to antiquities laws and regulations and suggest the creation of new museums (Article 1 and 2). Furthermore, the law specifically defines antiquities as both movable and immovable property crafted by humans over two hundred years ago (Article 5). However, it is worth noting that the law's definition of "antiquities" is narrow in its protective scope, limiting protection to specific and restricted sites while leaving numerous culturally significant sites without legal protection. The legislation establishes penalties to deter involvement in the theft of antiquities, the illicit trade of antiquities, unauthorized excavations, aiding others in conducting unlawful excavations, possessing unregistered antiquities, and transporting antiquities from one location to another without permission. (Article 69 and 71).

The introduction of this legislation represented a significant milestone in the ongoing efforts to protect and preserve Saudi Arabia's historical and archeological treasures. However, the Saudi Arabian government recognized the limitations of the existing legal framework, the 1972 Regulation of Antiquities, which only provided protection for specific and limited cultural heritage. In response to this, they enacted a new and more comprehensive law in 2014 known as the Law of Antiquities, Museums, and Urban Heritage. This new law aimed to extend legal protection to a wider range of cultural assets, addressing the gaps in the previous legislation and enhancing the preservation of the country's cultural heritage (Law of Antiquities, Museums, and Urban Heritage 2014).

The current antiquities law contains various provisions including the preservation of antiquities, archeological sites, and underwater antiquities, the legal trade in movable cultural heritage, archeological survey and excavation, urban heritage, museums, penalties for non-compliance, and mechanisms for enforcement. However, this law failed to address the legal framework for safeguarding intangible cultural heritage. It did not include specific provisions for the legal safeguarding of intangible cultural heritage; it highlights a gap in the implementation of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, to which Saudi Arabia is a signatory. The Convention encourages member states to establish legal frameworks to protect and promote their intangible cultural heritage, as stated in article 13 (UNESCO 2006a).

As an integral aspect of legal progress, in 2001, the Kingdom introduced the Law of Protection of Heritage Manuscript, which was enacted with the primary objective of safeguarding and preserving heritage manuscripts. According to Article 2 of the law, a manuscript is defined as a document that has been either handwritten or typed by a machine, and it qualifies for protection under the law once fifty years or more have passed since its creation (Law of Protection of Heritage Manuscript 2001). This applies regardless of whether the manuscript was subsequently published and is irrespective of its location, whether it is in an official or private library or in the possession of organizations or an individual. The King Fahd library is responsible for the following:

- A Procuring original manuscripts through methods such as purchase, gift, or endowment.
- B Maintaining a registry of manuscripts housed in both official and private libraries, as well as those possessed by organizations and individuals, and issuing registration certificates to the owners of these manuscripts, whether they are individuals or institutions.
- C Collaborating with other technically qualified libraries to sterilize, restore, and preserve manuscripts in need of such measures.
- D Creating photocopies of all original manuscripts found in official and private libraries owned by individuals and retaining a copy of these manuscripts in their own collec-

tions for the purpose of making them accessible to researchers. In cases where an additional copy is stored in a private facility for added protection and security, this secondary storage location must be situated no less than four kilometres away from the library's primary location. While this law has contributed to the preservation of cultural heritage, its emphasis is primarily on safeguarding manuscripts. Regrettably, it lacks provisions for the protection of cultural expression, traditional knowledge, or other forms of intangible cultural heritage.

In 2003, the Kingdom introduced the Copyright Law, establishing a legal framework that grants protection to folklore. However, it is important to note that this protection has certain limitations, primarily because the definition of "folklore" within the law is narrower in scope compared to the broader spectrum of cultural heritage. The Copyright Law's extension of protection to include drawings, visual art, architecture, decorative art, artistic embroidery, and similar creative works is a positive step. It defines folklore as "All literary, artistic, or scientific works which are assumed to have been created on Saudi territory and transmitted from one generation to the next, and which constitute part of the traditional Saudi cultural and artistic heritage" ([Copy Rights Law 2003](#)). The law does not specify whether the creation of the work is created by a group or individuals. In numerous copyright and intellectual property laws, the focus is primarily on the content of the work itself rather than the nature of its creators. This means that both individual authors and collaborative efforts by groups can qualify for copyright protection if their work meets the necessary criteria, such as originality and fixation in a tangible medium. In the context of Saudi folklore or cultural heritage, where traditions and expressions are often the result of collective efforts within communities rather than individual authors, the lack of specification in the law can be important. It implies that both traditional knowledge passed down through generations and contemporary creations by groups are eligible for protection, as long as they fulfil the legal requirements. This inclusivity is significant in preserving and recognizing a wide range of cultural expressions. However, UNESCO acknowledges that folklore encompasses cultural expressions created by both groups and individuals as defined in 1989, "the totality of tradition-based creations of a cultural community, expressed by a group or individuals and recognized as reflecting the expectations of a community in so far as they reflect its cultural and social identity; its standards and values are transmitted orally, by imitation or by other means" ([UNESCO 1989](#)).

Still, the definition of folklore is representing limitations in the broader context of cultural heritage in Saudi law. According to the article (7) of the Copyrights law, folklore is considered a state property, and its administration falls under the jurisdiction of the Ministry of Culture. It is strictly forbidden to export or disseminate reproductions of cultural traditions, translated versions, or related materials beyond the borders of the Kingdom without obtaining proper authorization from the Ministry. The law extends protection to compilations of folkloric works and expressions as long as these compilations demonstrate creativity in their content selection or arrangement. (Article 3) The law does not establish specific criteria for determining creativity. It acknowledges only one facet of folklore protection, namely intellectual property rights, without specifying the measures for such protection. It overlooks other associated rights, such as the right of communities to their cultural heritage.

Regarding the Safeguarding of Intangible Cultural Heritage through Intellectual Property regulations, the United States, Australia, and various other nations advocate for the application of the existing intellectual property rights framework ([Lin and Lian 2018](#)). They argue that ICH and IPR exhibit similar characteristics, justifying the use of the current intellectual property framework for the protection of intangible cultural heritage. They contend that safeguarding traditional knowledge can be effectively accomplished by extending the existing IPR regime and integrating each form of traditional knowledge into the respective system ([Lin and Lian 2018](#)). In the context of the Saudi legal framework, while intellectual property does play a crucial role in safeguarding traditional knowledge, certain aspects often lack effective protection under Copyright Law. The Intellectual Property

Authority in 2018 held numerous workshops and focus groups involving creatives and artisans to outline the gap in the existing legal framework. A primary issue highlighted by the community, impacting their ongoing work, was the prevalence of plagiarism and the absence of clear guidelines within copyright law (UNESCO 2023). This indicates that the utilization of traditional cultural works has prompted a demand for legislative measures to establish a comprehensive approach aimed at protecting traditional cultural expressions.

4. The Institutional Role in ICH Protection

4.1. Ministry of Culture

Saudi Arabia became a signatory to the 2003 UNESCO Convention on the Protection of Intangible Cultural Heritage in 2008, five years after its adoption (Royal Decree No. M2/4 2008). One of the actions taken at the national level to implement the convention involves the establishment of the Ministry of Culture as a specialized body for the preservation of cultural heritage. The establishment of this ministry in 2018 aligns with Saudi Vision 2030, which aims to diversify the country's economy and invest in its cultural heritage resources. It underscores the importance of culture and intangible heritage in the nation's identity and development. One of the primary objectives of Vision 2030 is to strengthen national identity and Islamic values through the lens of three elements: promoting and protecting the Arab, Islamic, and national heritage of Saudi Arabia, maintaining the Arabic language, and entrenching national values and enhancing a sense of national belonging (KSA Vision 2030 2016). The Ministry of Culture has identified three main objectives in its vision as: promoting culture as a way of life, enabling culture to contribute to economic growth, and creating opportunities for global cultural exchange. A primary objective of the ministry is to formulate new and fitting regulations in line with both international best practices and domestic needs (Ministry of Culture 2019b).

In 2019, the Ministry of Culture initiated the establishment of 11 commissions across diverse cultural domains to spearhead and supervise the cultural transformation in Saudi Arabia. Among these, the Heritage Commission was specifically tasked with implementing the 2003 Convention in a comprehensive manner. Concurrently, other commissions were assigned to oversee distinct intangible cultural heritage (ICH) domains, including music, museums, culinary arts, theatres, and performing arts (Ministry of Culture 2021).

The Heritage Commission, in recent efforts, formulated a strategic plan with two pivotal sectors aimed at the preservation and enrichment of ICH: the handicrafts sector and the ICH sector, focusing on research, inventory management, and safeguarding activities (Ministry of Culture 2021). The commission is responsible for formulating and enforcing laws pertaining to heritage protection, which encompass regulations concerning archeological excavations and the preservation of historical sites. Its mandate extends to safeguarding, overseeing, and promoting innovation and sustainable development for all facets of cultural heritage. The Heritage Commission is dedicated to the systematic documentation and archiving of Saudi Arabia's cultural heritage. This comprehensive effort involves conducting research, gathering oral histories, and establishing databases and resources. The Commission plays a crucial role in the development of national heritage assets, cultivating awareness and interest in them, and facilitating their transfer to succeeding generations (Heritage Commission n.d.a).

Moreover, the Commission bears the responsibility for conducting training courses, formulating educational initiatives, and implementing professional training programs. Additionally, it oversees the creation of a comprehensive database for the heritage sector, a vital step in preserving national heritage and facilitating informed decision making. The Commission also takes charge of organizing both local and international conferences and exhibitions, playing a pivotal role in raising awareness and fostering interest in the cultural heritage of the Kingdom. In its inaugural year, the Heritage Commission achieved notable milestones, including the registration of numerous local and international heritage and cultural sites. Notably, it officially registered the "Tabline" old oil pipeline in the National

Industrial Heritage sites, marking the first instance of an industrial heritage site being officially recognized in the Kingdom of Saudi Arabia ([Saudi Gazette 2021](#)).

Ministry of Culture Initiatives for Safeguarding ICH

The Ministry of Culture is leading various cultural initiatives aimed at preserving and promoting Saudi Arabia's rich cultural heritage, including its traditions, music, arts, folklore, and more. These initiatives involve the inventory and documentation of intangible cultural assets:

A. Inventory

Community involvement in the identification and inventory is necessary ([UNESCO 2021](#)). They are crucial in identifying best practices and areas for improvement. The UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage affirmed the obligation to ensure the inventory of intangible cultural heritage in article 11 as an essential part of the safeguarding measures ([UNESCO 2006a](#)). The Ministry of Culture has established an intersectoral administrative body to draw up inventories of intangible cultural heritage, developing protection policies, developing initiatives to raise awareness about the importance of intangible cultural heritage, and promoting public participation in the process of inventory ([Ministry of Culture 2019a](#)). The Saudi Heritage Commission has initiated a project aimed at inventorying elements of intangible cultural heritage in various regions across the Kingdom. This endeavor is driven by the urgent need to safeguard local heritage from the threat of extinction, recognizing its profound connection to the identity of Saudi society ([Albadwi 2023](#)). Furthermore, the project serves the critical purpose of introducing emerging generations to the diverse cultural elements that define Saudi society. It also plays a crucial role in supporting and enhancing the development of the third sector and nonprofit organizations.

The Heritage Commission, entrusted with the responsibility of preserving and documenting cultural heritage across Saudi Arabia's vast regions, with their cultural diversity and rich social tapestry, is dedicated to bringing people's customs, traditions, practices, beliefs, modes of expression, knowledge, skills, as well as related objects, artifacts, and cultural sites to the forefront ([Albadwi 2023](#)). All these components are integral to the cultural heritage of the Kingdom's various regions. In its initial phase, this project is focusing on the regions of Mecca, Medina, Al-Baha, Asir, Jazan, and Najran. These areas, much like their counterparts in Saudi Arabia, possess a wealth of cultural arts and diverse social traditions that reflect the Saudi people's interaction with their environment, the challenges posed by nature, and the preservation of social and environmental awareness and cohesion throughout changing times and circumstances ([Albadwi 2023](#)).

The Ministry of Culture has implemented a new guideline for the documentation and inventory of cultural heritage, aiming to:

- Establish national standards and guidelines that align with international best practices for the identification of cultural heritage.
- Implement a standardized approach to identify and document Saudi cultural heritage, ensuring uniformity and precision in data collection and the preservation of heritage assets.
- Encourage and facilitate the active involvement and contribution of local communities and the wider public in the identification and documentation of cultural heritage assets.
- Improve coordination among diverse stakeholders in the cultural heritage ecosystem, fostering partnerships and collaboration between various sectors involved in heritage preservation ([Ministry of Culture 2022](#)). By following these objectives, Saudi Arabia can create a robust framework for the preservation and documentation of its cultural heritage that aligns with international standards and encourages active participation from all stakeholders.

This guideline highlights several key criteria that can significantly influence the prioritization of identification projects for intangible cultural heritage elements. These criteria

help ensure that the projects are aligned with the needs and interests of the communities involved and that they address heritage that is at risk of being lost. The criteria include:

- **Community Interest and Motivation:** The level of interest and motivation within the community to preserve their intangible cultural heritage is a crucial factor. Projects are more likely to succeed when there is strong community support and a genuine desire to safeguard and transmit their heritage.
- **Consent of Stakeholders and Communities:** It is essential to obtain the consent and support of the stakeholders and communities involved in the preservation efforts. Respect for their knowledge, traditions, and practices is paramount, and the projects should be carried out in collaboration with them.
- **Endangered Status:** Prioritization should be given to intangible cultural heritage elements that are deemed endangered. This means there is a significant risk of losing the knowledge, skills, practices, or traditions associated with these elements. Projects aimed at preserving endangered intangible heritage are of the utmost importance.
- **Safeguarding Measures:** The existence of clear and feasible measures for safeguarding and transmitting the intangible cultural heritage is a critical consideration. Projects should focus on practical steps that can be taken to ensure the continuity and vitality of these elements. These measures might include documentation, revitalization programs, training, and educational initiatives.

By taking into account these criteria, identification projects can prioritize intangible cultural heritage elements that are not only of great cultural significance, but also face real threats to their survival. This approach ensures that resources and efforts are directed where they are most urgently needed. According to the guideline, when assessing the significance of both intangible and tangible cultural heritage assets, several key factors must be considered. For intangible cultural heritage, the guideline indicated two factors:

- **Viability:** This refers to the extent to which an intangible cultural heritage element is sustainable, considering current and future environmental, social, and economic factors. It involves considering whether traditional knowledge and practices embedded in the cultural heritage asset/element contribute to environmental sustainability, the resilience of communities, and adaptability to changing circumstances.
- **Inclusiveness:** This aspect evaluates how the cultural heritage asset or element contributes to social cohesion, fostering a sense of identity and responsibility among individuals, making them feel like they are part of a community or society. Inclusiveness highlights the role of intangible heritage in building connections and a shared sense of belonging.

B. Documentation

Saudi Arabia has a rich history with extraordinary tangible and intangible cultural heritage spanning 13 regions. The documentation of the diverse traditions is a necessity to transfer cultural heritage to the future generation. The authorities have registered and documented more than two thousand heritage sites in the country ([Ministry of Culture 2020](#)). Extensive documentation can be implemented through the archiving of the data collected, such as completed forms, transcriptions, photograph recordings, and manuscripts ([UNESCO 2023](#)). Communities often have their own forms of documentation such as sacred texts, pottery books, or pattern books, or icons and images that constitute the recording and preservation of intangible cultural heritage expressions and knowledge. Arantes argues that documentation and promotion, which have proven to be useful tools for safeguarding ICH, can also be interpreted as ways of staging or representing heritage in the global media (photography, film, audio-visual recordings) ([Arantes 2012](#)).

The new guideline for the documentation and inventory of cultural heritage indicates that the data collected could be preserved and deposited in museums, local archives, libraries, and disseminated through websites, social media, and other means, so they can be consulted by the communities concerned ([Ministry of Culture 2022](#)). When documenting intangible cultural heritage, it is essential to gather comprehensive information to ensure the

preservation and transmission of this heritage. At a minimum, the following information should be recorded:

Identification of the Element: ([Ministry of Culture 2022](#))

- Name of the element: the community or communities associated with the element.
- Physical location where the element is practiced or performed.
- Perceived Origin: information on the perceived origin of the element, including any traditional narratives or historical accounts associated with its origin.
- Brief Description and Cultural Significance: A concise yet informative description of the element, explaining what it is and how it is practiced or performed. This description should be written in a way that introduces the element to readers who may have never experienced it.
- The cultural significance of the element to the communities involved, highlighting its role in the cultural, social, or religious context.
- Practitioners: name of previous practitioners who have contributed to the preservation and transmission of the element.
- Uses and Functions: Detailed information about the current uses or functions of the element within the community. Historical or traditional uses and functions of the element, which may have evolved over time.
- Location of Origin and Local Community: this includes the geographical location of the element's origin, and information about the local community or communities where the element is rooted and where it continues to thrive.

Additional Context:

Also included is any additional context that is relevant to the intangible cultural heritage element, such as rituals, customs, materials used, specific occasions when it is performed, and any related practices or traditions that provide a broader understanding of the element ([UNESCO 2016](#)). This comprehensive documentation not only helps in preserving the intangible cultural heritage, but also serves as a valuable resource for researchers, cultural preservationists, and future generations interested in understanding and continuing these traditions ([UNESCO 2015](#)). In 2020, several documentation initiatives were established to safeguard the intangible cultural heritage of the Kingdom. These initiatives encompassed a wide spectrum, including efforts by local communities to document elements of their own cultural heritage and larger institutional projects dedicated to the preservation of oral history. In 2020, innovative methods were employed to document intangible cultural heritage, with a focus on traditional fashion. Collaborating with the Ministry of Culture, the Saudi Heritage Preservation Society, known as "We Are Our Heritage", conducted a virtual campaign titled "Engaging the Local Community in Preparation of Preliminary Lists of Elements of Cultural Heritage". Specialists engaged with community members from various regions in the Kingdom, including the Western, Eastern, Northern, and Central regions ([Ministry of Culture 2021](#)). Their efforts were aimed at collecting and documenting intangible cultural heritage, specifically related to fashion and related crafts. The use of digital media played a pivotal role in this preliminary step towards the systematic preservation, archiving, and documentation of the nation's cultural heritage, as orchestrated by the Ministry of Culture.

In addition to these initiatives, the Heritage Commission undertook the development and documentation of over 100 new designs for various traditional handicraft products, including bisht, weaving, embroidery, ceramics, and printing. Several specific projects were launched to document intangible cultural heritage in the Kingdom, with two new additions in 2022 ([Ministry of Culture 2020](#)). The first project, led by the Diriyah Gate Development Authority, focuses on documenting the oral history of Al-Diriyah. This historical research program seeks to record the oral history of the province by gathering memories and stories from elderly residents and former officials of the Diriyah Historical Program. The program is divided into four sections, each dedicated to documenting the oral histories of Al-Diriyah, Ghasibah, Samhan, and Arda, respectively. The second project is an initiative spearheaded by Prince Faisal bin Salman for the oral documentation of the history of Madinah, known

as “Their Stories” (Ministry of Culture 2020). This initiative, launched by the AlMadinah Al-Munawwarah Research and Studies Center in 2017, aims to document and record the stories of prominent social and intellectual figures in the province. Furthermore, the King Abdulaziz Foundation for Research and Archives published a comprehensive three-volume encyclopedia titled “Oral Literature and Traditional Medicine” (Ministry of Culture 2020).

The issue at hand is the absence of a well-defined policy for creating a national list of endangered intangible cultural heritage. This list would serve as a registry for heritage elements requiring immediate protection, encompassing all aspects of intangible cultural heritage that urgently need measures to preserve their vitality, values, and continuity. To fulfil these objectives and adhere to international legal principles, every region within the kingdom should formulate its own list of intangible cultural heritage in need of urgent safeguarding. Yet, another concern is that the literature does not provide details on the documented elements, the results of which are neither publicly disclosed nor recorded in any official documents accessible to the public.

4.2. Saudi Heritage Preservation Society

The surge in the formation of civil society organizations focused on cultural heritage, with a notable increase in establishments during 2019, is evident. There is a growing enthusiasm for subjects that were previously overlooked, including the preservation of industrial heritage. Notably, the Kingdom boasts an internationally accredited civil society organization dedicated to advocating for cultural heritage—the Saudi Heritage Preservation Society. This non-governmental organization is committed to safeguarding the tangible and intangible cultural heritage of Saudi Arabia. In 2019, the society successfully met the standards and requirements to attain the status of a consultative body in the field of intangible heritage with the United Nations Educational, Scientific, and Cultural Organization (UNESCO) (Ministry of Culture 2019a). The organization’s endeavors are to empower the local community through practicing intangible cultural heritage and passing it to the future generation, as well as promoting Saudi heritage at an international level. The SHPS has led the procedure of the inscription of elements on the UNESCO lists of intangible cultural heritage, including Almezmar and Al-Qatt Al-Asiri (Saudi Heritage Preservation Society n.d.a).

The organization’s strategy for the period 2023–2025 is geared towards several key objectives:

- **Developing New Methods for Inventory and Documentation:** The organization seeks to innovate and implement advanced techniques and technologies for the inventory and documentation of intangible cultural heritage. This may involve digital preservation, multimedia documentation, and the use of modern tools and platforms to comprehensively record and safeguard cultural traditions and practices.
- **Enhancing Regulations:** The organization aims to strengthen regulatory frameworks to ensure the protection and preservation of intangible cultural heritage. This may involve collaborating with relevant governmental bodies and international organizations to establish and enforce regulations that safeguard these cultural elements.
- **Engaging with International Conventions:** In line with the commitment to preserving and promoting intangible cultural heritage, the organization intends to actively engage with international conventions, such as those established by UNESCO. This involvement can include advocating for the recognition of specific cultural practices on international platforms and contributing to the development of global strategies for heritage preservation.
- **Capacity Building:** To achieve its goals, the organization may focus on capacity building, both internally and within local communities. This involves training and educating individuals and communities on effective methods of inventory and documentation, as well as raising awareness about the significance of intangible cultural heritage.
- **Community Involvement:** A vital aspect of the strategy is engaging local communities in the process of inventory and documentation. This not only ensures a more compre-

hensive and accurate representation of cultural heritage, but also fosters a sense of ownership and pride among the communities themselves.

- Public Awareness and Education: the organization may plan to launch public awareness campaigns and educational programs to inform the general public about the importance of intangible cultural heritage and the efforts being made to preserve it ([Saudi Heritage Preservation Society n.d.b](#)).

By pursuing these objectives, the organization aims to contribute to the safeguarding and promotion of intangible cultural heritage, ensuring that these valuable traditions are preserved for future generations and that they continue to enrich the cultural tapestry of the region. However, the organization currently lacks a clear policy regarding community involvement and regulatory enhancement. Additionally, there is a noticeable absence of tangible evidence or a specific plan outlining the integration of intangible heritage into these policies. While the organization is engaged in identifying intangible cultural heritage, there is no established list addressing the preservation of endangered intangible cultural heritage in the context of modern development and globalization.

5. Gaps and Challenges in Saudi Cultural Heritage Law

Witnessing the evolution of legal frameworks to adapt to changing circumstances and better protect cultural heritage, it is unfortunate that Saudi Arabia has not yet considered amendments or additional regulations to address the issues surrounding intangible cultural heritage in their legal framework. Based on the findings in the Third Cycle of the Periodic Reporting exercise in the Arab States, which summarizes the identified challenges in the Arab Region and recommends areas for intensified focus, it is clear that many states' parties have made significant updates to their national legislations for heritage ([World Heritage Committee 2021](#)). These updates have incorporated many provisions of the World Heritage Convention and its application into their principal legislation. The incorporation of additional conventions, policies, and programs will require further efforts in establishing policies, legislation, regulations, and operational mechanisms. In essence, the Action Plan acknowledges the progress made by many countries in aligning their national legislation with the UNESCO Conventions ([World Heritage Committee 2021](#)). Nevertheless, it also recognizes that more work is needed to incorporate additional conventions, policies, and programs related to heritage preservation. This will involve the establishment of new policies, legislation, regulations, and operational mechanisms to ensure the comprehensive protection and preservation of heritage in the Arab Region. As per the Saudi Periodic Report on Convention implementation, the primary risk to intangible cultural heritage lies in the difficulties associated with passing it on to succeeding generations and the erosion of social customs and traditions linked to these elements ([UNESCO 2023](#)). These challenges may stem from deficiencies in the legal framework concerning intangible cultural heritage. The enforcement of legal frameworks in Saudi Arabia faces various gaps and complexities, which can be categorized into several key areas.

5.1. Update of Terms and Concepts

As illustrated earlier in this article, the legal definition of cultural heritage in Saudi cultural heritage regulations is limited to a tangible aspect of cultural heritage. In the absence of a legal definition, the Ministry of Culture framework for defining culture takes into account UNESCO's definition and combines it with the local understanding of Saudi Arabia ([Ministry of Culture 2019a](#)). This holistic approach led the Ministry to identify 16 sectors: museums, language and translation, film, music, literature, visual arts, heritage, natural heritage, libraries, fashion, theatre and performing arts, cultural festivals and events, books and publications, architecture and design, culinary arts, and archeological and cultural landscapes ([World Heritage Committee 2021](#)). However, it is not clear whether the ministry will take the UNESCO approach in defining intangible cultural heritage. While there is no legal definition of ICH, the Heritage Commission defines ICH on its website as "The practices, traditions, forms of expression, knowledge and skills inherited from our

ancestors such as oral traditions, performing arts, social practices, rituals and ceremonies, and skills associated with the production of traditional crafts” (Heritage Commission n.d.b) In the cultural heritage documentation and digital archiving guide, the Ministry of Culture defines ICH as “practices, representations, expressions, knowledge, skills, and related instruments that communities, groups, and individuals recognize as part of their cultural heritage and transmit from generation to generation” (Ministry of Culture 2022).

It is evident that the Ministry’s approach to defining intangible cultural heritage does not address the protection of ICH that may infringe or promote human rights. For instance, the existing legal framework fails to recognize the concept of the “customary rights of communities and groups” to their land, forest ecosystems, and sea, which are vital for the practice and transmission of intangible cultural heritage (UNESCO 2023). It is a necessity to realign approaches to unify the legal provisions concerning intangible cultural heritage with a focus on human rights and human development. The law should set out the fundamental principles derived from the Saudi constitution and UNESCO intangible cultural heritage convention, the acknowledgement and protection of cultural rights, national identity, the protection and promotion of cultural diversity, and the development of intercultural dialogue. Any actions taken in the interests of heritage protection should be compatible with human rights and with the other essential needs of the collective community. The law should refer to the fundamental right of every person to actively participate in the community’s cultural life, as affirmed in the human rights framework (Francioni and Scheinin 2008).

Moreover, communities, groups, and individuals employ their intangible cultural heritage for fostering dialogue that encourages mutual respect, conflict resolution, and peacebuilding. One of the elements of intangible cultural heritage inscribed on the Representative List (alongside UAE, Oman, and Qatar) is the majlis, a traditional gathering place (UNESCO n.d.b). The practice of convening at a majlis contributes to strengthening bonds between communities. In times of conflict, it is customary to gather at a majlis and engage in dialogue to address issues between groups. However, the existing legal framework lacks measures acknowledging the expressions, practices, and representations of intangible cultural heritage that play a role in promoting peaceful conflict prevention and resolution (UNESCO 2023).

As demonstrated above, there is a need for updating and clarifying the terminology and concepts related to heritage preservation to ensure that they are in line with contemporary understanding and practices.

5.2. Capacity of Judicial Authorities

According to the Law of Antiquities, Museums, and Urban Heritage, the Minister of Culture is responsible for establishing a committee consisting of three members. At least one of these members must be a Sharia or legal consultant. The committee is formed by a decision from the President to examine violations and impose fines as outlined in this law (Article 90). Decisions made by the committee require approval from the Minister. Any individual subjected to a decision has the right to appeal before the Board of Grievances, following the procedures established by its respective law (Article 90). The Public Prosecution is authorized to investigate violations of this Law and initiate criminal proceedings in the following instances, leading to the imposition of a jail sentence: (Article 91) the unauthorized alteration of an urban heritage building or site, or making modifications to the surrounding environment that could result in damage to the building or site, without approval from the Ministry of Culture; the unauthorized removal of debris, rocks, or soil from archeological or urban heritage sites; and the unlawful disposal of debris or waste in archeological or urban heritage sites.

These provisions present significant challenges. Primarily, the lack of provisions addressing violations related to intangible cultural heritage may result in an accountability gap. This gap has the potential to diminish individuals’ awareness of the potential impacts of their actions on such cultural heritage, hindering efforts to foster a more conscientious

approach towards its preservation and respect. Penalties serve a crucial function in fortifying the legal and ethical foundations for the protection of cultural heritage. They contribute to its sustainability and foster a sense of responsibility and accountability within communities. Additionally, there is a notable absence of information in the literature regarding any investigative actions conducted by the Committee or the Public Prosecution. The outcomes of these actions are neither publicly disclosed nor documented in any accessible official records.

Judicial authorities may lack the expertise and resources required to effectively enforce heritage preservation laws. This necessitates capacity-building and training for the relevant legal entities. The capability of judicial authorities in cultural heritage involves their proficiency and competence in addressing legal issues related to the preservation, protection, and management of cultural heritage. This encompasses the handling of causes related to illegal trade, theft, damage, or any infringement upon cultural artifacts, monuments, or sites. The judicial authorities have less of an understanding of pertinent national and international laws concerning cultural heritage protection. This includes familiarity with conventions like the UNESCO heritage Conventions and national legislation focused on the safeguarding of cultural heritage.

5.3. Lack of Awareness Amongst Communities

- Communities may not be fully aware of the importance of heritage preservation, which can hinder enforcement efforts. Public awareness and education campaigns are crucial. Article (15) of the International Covenant on Economic, Social, and Cultural Rights (1966) states that “The States Parties to the present Covenant recognize the right of everyone to take part in cultural life” (ICESCR 1966). The community must become the focus of the national heritage policy, and strengthen their abilities to participate meaningfully in the process of making conservation and management decisions for their heritage (UNESCO 2006b). A study found that community engagement is mainly influenced by one’s occupation and educational level, with a high interest in heritage activities and conservation of participants associated with high educational level and occupation (Alhefnawi et al. 2021). The findings demonstrate that for a successful implementation of heritage policy, the state has to ensure that the concerned communities generate, recreate, transmit, and sustain their ICH. The approaches of community involvement are crucial to the legal protection and measures (Alhefnawi et al. 2021).
- In the context of intangible cultural heritage, communities and individuals’ involvement take different forms ranging from the recognition of the ICH by the communities, participation in identifying and defining their ICH, and the identification and inventorying of the ICH (UNESCO n.d.a). The state is obligated under the 2003 UNESCO convention to ensure the widest possible participation of communities, groups, and individuals in preserving their intangible cultural heritage, as stated in Article 15 “Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage”. Allowing community involvement in the inventory-making process includes the establishment of Saudi intersectional bodies for adopting legislation protecting their intangible cultural heritage. Community awareness and involvement have not been addressed in the Saudi Law of Antiquities, Museums, and Urban Heritage as a strategy to motivate the local population to protect their cultural heritage. When proposing cultural heritage for inscription on UNESCO lists, it is imperative to adhere to a meticulous process that guarantees the community’s free, prior, and informed consent. This entails respecting the principles of voluntariness, timing, and comprehensive information disclosure (UNESCO 2020). Hence, integrating individuals, groups, and communities into legal regulations becomes an essential mechanism to amplify community engagement. This involves recognizing the diverse

perspectives, needs, and rights of various stakeholders within the legal framework. By incorporating these voices, legal regulations can better reflect the nuanced realities of different communities, fostering a more inclusive and participatory approach. As of the current time, there are no clear policies that provide a framework for structured, inclusive, and sustainable community involvement in the preservation and promotion of intangible heritage in Saudi Arabia.

Raising awareness about ICH can also be carried out through education. It is the state's obligation to ensure the accessibility of intangible cultural heritage. The regulations should ensure the principle of the right to culture through education and demonstrate the role of relevant actors in enhancing intangible cultural heritage education in schools and in informal education using the digital means to support this tendency. A coherent policy is lacking concerning the integration of lessons on intangible cultural heritage into school curricula, taking into account local intricacies, and the development of appropriate educational materials such as books, CDs, videos, documentaries, manuals, or brochures (Ismaeel and Al-Abdullatif 2016). The state authorities acknowledged the existing gap in the current policy. According to the periodic report, the Heritage Commission is currently working on developing legal and administrative measures within the realm of education (UNESCO 2023). This involves initiatives such as incorporating the diversity of intangible cultural heritage into the curriculum, generating educational materials, and initiating educational programs within the heritage sector. Nevertheless, there are no further specifics on the adoption timeline or the manner in which these measures will be implemented (UNESCO 2023). In conforming with Article 14 of the 2003 UNESCO convention, there is a necessity to enhance the capabilities of educators in teaching about intangible cultural heritage by creating guides and manuals (UNESCO 2006a). Additionally, involving parents in suggesting themes and modules for teaching intangible cultural heritage in schools is crucial.

In the context of non-formal education, the Kingdom of Saudi Arabia hosts several significant intangible heritage festivals, among which the King Abdulaziz Camel Festival and the King Abdulaziz Festival of Falconry stand out as the most prominent.¹ These festivals are integral to the celebration and preservation of traditional practices and cultural heritage in the Kingdom. Furthermore, the King Abdulaziz Center for World Culture (Ithra) played a pivotal role in commemorating the 90th Saudi National Day by organizing the "Kingdom of Cultures" exhibit (Ministry of Culture 2021). This exhibition serves as a captivating showcase of the Kingdom's rich cultural and civilizational legacy, providing visitors with an immersive experience. It offers an interactive journey that allows guests to actively engage with the Kingdom's heritage, delve into the stories of artisans, and gain insights into their profound connections with the surrounding environment. The Janadriyah Festival is a significant heritage and cultural event that has been celebrated in the Kingdom of Saudi Arabia since 1405 AH (1985 in the Gregorian calendar). The inaugural session of the festival took place on 24 March 1985. Typically, the Janadriyah Festival is held in the spring, during the months of February and March, and it garners a substantial number of visitors and tourists. For 34 years, the festival was organized under the supervision of the Ministry of the National Guard.² However, in 2019, the responsibility for its organization was transferred to the newly established Ministry of Culture in Saudi Arabia, which came into existence in 2018. This transition marked a new era for the festival. The Janadriyah Festival is characterized by its comprehensive celebration of Saudi heritage, featuring an

¹ King Abdulaziz Camel Festival. Available online: <https://www.visitsaudi.com/en/events/king-abdulaziz-camel-festival1> (accessed on 15 August 2023).

² Janadriyah Annual Heritage & Culture Festival 30. Available online: https://www.my.gov.sa/wps/portal/snp/content/events/EventsDetails/CONT-events-327012016/!ut/p/z1/jZHLboMwEEW_hiXx2DwSdUchTUsFLiJQ6k0FIQNIxEbgBuXv6yZVpfSRZHYzOvdq5g5iqEBMILu2LIUrRdnp_oW5r-HTwsYeYLryYQmJHwRJ-kgIRC56PgAxXsI9tjEFm9xBEGRe7KxxiHMXsWv03wC1nFsNRHPqpTkGcK7Twz_lwSV9y9gUKL0E6BTJEFQj1peqMVuxkajwabw2-Y4LNZoWmQMmgD8XYqd2dBXa2g5nxAlzAN_5As5l9sPhdygH4MzV-qS6k9Xxg56orIXefeAbPvBh9j7ocaNUP94YYMA0TbNayrrrsze5NeAvSSNHhYpTEvXbLCumvQXtg8mq_QBAkmUQQ!!/dz/d5/L2dBISEvZ0FBIS9nQSEh/ (accessed on 13 August 2023).

integrated village that showcases historical artifacts, ancient jewellery, and tools that were used by the Saudi people more than fifty years ago. The festival encompasses a wide array of exhibitions, including displays of fine arts and numerous other cultural activities. These festivals and exhibitions are instrumental in promoting and safeguarding the intangible cultural heritage of Saudi Arabia, offering a platform to celebrate and preserve the traditions and legacies that have shaped the nation. Numerous organizations facilitating training endeavors strive to promote broad participation and accessibility to their activities. While these training opportunities are available to all, it is important to note that there lacks a legal framework to guarantee inclusivity.

The inclusion of cultural heritage education in Saudi policies and regulations would create an obligation for the state agencies to improve implementation and enforcement and underline the responsibilities and roles of educational and research institutions.³ The emphasis on intangible cultural heritage education in the law is a great step towards state agency coordination to preserve intangible cultural heritage and ensure its vitality as well as to guarantee the community's rights to access cultural heritage.

5.4. Coordination among Stakeholders

Facilitating effective collaboration across diverse sectors is a fundamental element in addressing concerns related to intangible cultural heritage at all levels of government and within society (Blake 2019). This collaboration involves implementing legal and administrative measures to capture the diverse nature of ICH and underscore its significance in safeguarding (Blake 2019). The establishment of agreements to address ICH issues facilitates more efficient and coordinated efforts among all stakeholders. The problem in the current legal framework is the lack of an effective coordination among various stakeholders, including government agencies, non-governmental organizations, and international bodies. It is essential to enhance the legal framework governing governmental entities engaged in ICH (work, with a particular emphasis on strengthening coordination mechanisms established specifically for monitoring and ensuring adherence to the 2003 Convention at the national level. Additionally, it is crucial to align these mechanisms with diverse regulatory frameworks pertaining to, and to establish robust connections with, all government levels.

Addressing these gaps and complexities in the enforcement of legal frameworks is essential to ensure the protection and preservation of heritage in the Kingdom. It requires a comprehensive and collaborative approach involving government authorities, civil society, and community.

6. Conclusions

The current Saudi Cultural Heritage law concentrates primarily on safeguarding tangible elements, overlooking the legal protection of intangible cultural heritage. The article highlights Saudi Arabia's establishment of institutions and methodologies that align with the UNESCO 2003 convention, indicating a commitment to adequately preserving its intangible cultural heritage. There is a growing acknowledgment of the significance of intangible cultural heritage within Saudi Arabia, suggesting an anticipated evolution of the legal framework to more comprehensively encompass these aspects.

While steps have been taken, there remains a necessity for the further development of legal frameworks and policies to effectively preserve and protect the nation's invaluable intangible cultural heritage. To achieve a more comprehensive safeguarding approach, the focus should extend beyond property rights to consider viability, completeness, and sustainability. A holistic strategy is essential to uphold and promote the diverse tapestry of Saudi cultures. Such an approach can significantly contribute to enhancing the recognition of Saudi intangible cultural heritage, fostering national unity, promoting social harmony,

³ UNESCO Cultural Heritage Laws Database. Law on the Promotion of International Cooperation for Protection of Cultural Heritage Abroad (tentative translation). Available online: https://en.unesco.org/sites/default/files/ja_law_cltral_heritage_engtno.pdf (accessed on 14 July 2023).

and supporting sustainable development. It is crucial to ensure that the attention and safeguarding of intangible aspects of cultural heritage are integral to community well-being.

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