

## Student Feature - UNESCO's Intangible Cultural Heritage Convention

Written by Michael Dylan Foster

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The Convention for the Safeguarding of the Intangible Cultural Heritage is only fourteen pages long. But since its adoption in Paris on October 17, 2003, the words of this brief document have directly and indirectly touched the lives of millions of people around the world, many of them living in small communities very far from Paris. The Convention is an instrument of the United Nations Educational, Scientific and Cultural Organization, commonly referred to as UNESCO; it was adopted at the 32<sup>nd</sup> session of the UNESCO General Conference in 2003 and came into force in 2006 after ratification by thirty states. As of November 2019, some 178 states had signed on.

But what is a *convention*, what is *intangible cultural heritage*, and what does the Intangible Cultural Heritage Convention do? The feature that follows will explain these concepts, trace the evolution of this particular convention, and highlight some of the questions it raises.

In its work as a cultural policy organization, UNESCO has at its disposal several standard setting-instruments, including recommendations and declarations, but conventions are the strongest of these and are, in theory at least, legally binding. Conventions in the realm of culture are international treaties that, in UNESCO's words, "provide a unique global platform for international cooperation and establish a holistic cultural governance system based on human rights and shared values."

To date, UNESCO has ratified seven cultural conventions, starting with the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict in 1954. All of these conventions are designed in some fashion to recognize the critical ways that diverse cultural expressions and forms of creativity reflect and affect human societies, politics, economics, and natural environments. They articulate a need to celebrate, preserve and safeguard culture and heritage. But, as any study of these conventions and their ramifications reveals, seemingly simple concepts such as "safeguarding" and "heritage," to say nothing of "culture," are never easily or universally interpreted. And achieving consensus between different states—and additionally between local, regional, public and commercial stakeholders—is always a complex and potentially contentious process.

The development of the 2003 Intangible Cultural Heritage Convention reveals a number of the questions that come up during such a process. But before looking at that agreement itself, it is important to take one step back. UNESCO's most well-known convention, or at least the one most commonly encountered by the general public, is the Convention for the Protection of the World Cultural and Natural Heritage, usually just called the World Heritage Convention, which was ratified in 1972. One of the most visible results of this convention is a World Heritage List, essentially a massive database of officially inscribed natural and cultural sites from around the world—as of November 2019, the list contains 1121 properties from some 167 states parties! There are sites of natural wonder and significance, such as Grand Canyon National Park or the Galápagos Islands, but most prominently the list includes buildings and human-made sites, such as the (recently burnt) Cathedral of Notre Dame in Paris and even the entire City of Verona in Northern Italy.

There is no question that the World Heritage List has been of great importance to many of the sites and structures inscribed therein. Not only has it encouraged national and local governments to invest in their preservation, but in

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many cases the international recognition that comes with the UNESCO designation has fostered economic opportunities, often in the form of increased tourism. At the same time, however, the World Heritage List has been criticized as reflecting certain biases. By celebrating the tangible, often monumental, constructions of human culture, the List tends to privilege historically Western concepts of size and permanence while overlooking important—but less tangible and permanent—cultural sites often located in the Global South. Indeed, UNESCO statistics reveal that almost half of the sites inscribed on the List are in Europe and North America, and most of these (453 out of 529) are cultural (as opposed to natural or mixed). In contrast, fewer than 10% of the sites on the List are located in Africa and only 53 of 96 are designated as cultural (38 are natural and 5 are mixed).

In part, the 2003 Convention was developed to address this bias by recognizing the importance of cultural sites and practices that may not have a monumental, permanent, or even tangible trace. The process of developing the appropriate instrument for this included various steps along the way, such as the *Recommendation on the Safeguarding of Traditional Culture and Folklore* (1989) and the *Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity* (1998). As is evident from the language in these titles, the scholars, bureaucrats and other participants in UNESCO discussions were negotiating the cultural baggage of certain key concepts—such as “traditional culture,” “folklore,” “masterpieces,” and “heritage”—to develop languages that would be at once open-ended and meaningfully specific.

The phrase that eventually emerged for the Convention was *Intangible Cultural Heritage*, often abbreviated as ICH. In essence, what is being acknowledged by this phrase are those intangible “things” that transcend (and often make possible) the kind of physical, tangible objects and sites celebrated by the World Heritage Convention. The focus is on knowledge and beliefs, ritual practices, performing arts, oral traditions and ways of making and doing things. In the past, these types of practices and traditions were often labeled “folklore” or “folklife.” But these terms have their own historical baggage and are differently interpreted in different contexts, so the new, bureaucratic, and somewhat sterile ICH moniker offers a fresh perspective.

And indeed the text of the Convention emphasizes the broadness of the concept of ICH:

The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.

It is worth highlighting a few of the distinctive features of this carefully crafted definition. Note, for example, the phrase “that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.” Here it is clear that the framers of the Convention want to give the rights and responsibilities of determining what constitutes ICH to the people who live with that particular practice or tradition. That is, such determinations should be made internally rather than be imposed by UNESCO or any other outside authority.

Another significant phrase is, “constantly recreated by communities and groups in response to their environment, their interaction with nature and their history.” This language emphasizes the idea of a *living tradition*, that a given instance of ICH may have a long history but that it also has meaning and value in the present for the people who practice it. The point here is that ICH are not fossilized artifacts of the past, but contemporary living practices that are open to change. Indeed, this is one way in which the ICH Convention is distinct in its focus from the 1972 World Heritage Convention. Whereas a tangible site and set of structures such as Angkor (Cambodia) is celebrated for its past, annual events such as the Cherry festival in Sefrou (Morocco) or common practices such as Yoga (India) are meaningful not just because they are transmitted from one generation to the next but because they continue to play a role in people's lives today.

On a concrete level, the Convention called for the creation of two lists: a List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity. It is this second

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one, the Representative List, that has come to be the most well-known; it might be considered an “intangible” counterpart to the World Heritage List. In the language of UNESCO, “elements” of ICH started to be formally “inscribed” on the List in 2008; as of this writing, in November 2019, the List has 429 elements associated with 117 different countries.

A quick glance at the inscriptions for 2009 shows the variety of ICH nominated from the start. There are ritual and festival events, such as Holy Week processions in Popayán (Colombia) and Hayachine Kagura (Japan); performance practices such as Tibetan opera (China) and Tango (Argentina and Uruguay); and techniques for making/doing things, such as Indonesian Batik (Indonesia) and the Scribing tradition in French timber framing (France). Browsing through the List, we also see a reframing of the term ICH itself to encompass broader (perhaps less local or community-based) elements, such as entire local cuisines (or rather the techniques, values, and ideologies that undergird them), including Traditional Mexican Cuisine; Washoku, Traditional Dietary Cultures of the Japanese; and the Mediterranean diet, a joint submission from Cyprus, Croatia, Spain, Greece, Italy, Morocco and Portugal.

Although UNESCO itself generally does not provide any financial reward for inscription on the Representative List, tangible financial benefits often come to local communities (and to the states in which they are located) in the form of increased tourism and related businesses. There is also an intrinsic sense of pride born of being selected for this international database of traditions. Not surprisingly, local communities compete with each other to be selected by their own country for nomination to UNESCO, and internationally we can see competition between different countries to have the most elements on the List—a sort of “ICH race” akin to, but certainly not as dangerous as, the arms race of the cold war. In this regard, it seems that China, having invested a great deal of energy and resources into the ICH project, is winning the race with forty elements currently on the list.

And despite the fact that the Convention explicitly recognizes the “invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,” in some cases the List may do just the opposite—highlighting and potentially exacerbating rifts within and between nations. What does it mean, for example, when *Tibetan Opera* is listed as an element associated with China? And why are there two listings referring to kimchi, one from the Republic of Korea and another from the Democratic People's Republic of Korea?

We can also see how the notion of a representative list could be problematic on the local level, between individual communities in a given region or nation. Even while a “representative” ideally stands in for (represents) itself and others like it, certainly a representative ICH comes to be seen as “first among equals,” celebrated as the most significant version of a given kind of practice, tradition, or technique. We can imagine the resentment and competition this can cause: the festival in *my* community is just as important as yours, so why does *yours* get all the attention? Even the notion of creating a list in the first place might be interpreted as a reduction of living, breathing cultures into items that can, literally, be quantified and keyed into a database alongside other similarly extracted objects. How does this change the way we think of our own cultures, our own traditions, our own everyday lives?

All this to say that the 2003 ICH Convention—even though it is only fourteen pages long—contains an infinitely complex set of ideas that are, like ICH itself, continually being re-interpreted and recreated. Like so much of what UNESCO does, the Convention represents a very imperfect distillation of good intentions, and is necessarily bound up in competing ideologies and the vicissitudes of international politics. Although the Convention is an international instrument of massive scale, we can only hope that the representatives to the Intergovernmental Committee that oversees it will always keep in mind the “communities, groups and, in some cases, individuals” whose intangible cultural heritage—whose lives and livelihoods—they affect with their decisions. Culture is never separate from people, history, and politics: as the twenty-first century continues to unfold as a time of climate crisis, ethnic conflict and mass migrations, the ICH Convention will ideally be flexible enough to respond meaningfully, and helpfully, to the changing needs of a changing world.

### Suggested Readings:

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Michael Dylan Foster is Professor of Japanese and Chair of the Department of East Asian Languages and Cultures at the University of California, Davis. He is the author of *The Book of Yōkai: Mysterious Creatures of Japanese Folklore* (2015), *Pandemonium and Parade: Japanese Folklore and the Culture of Yōkai* (2009), and numerous articles on Japanese folklore, literature, and media. He is also the co-editor of *The Folkloresque: Reframing Folklore in a Popular Culture World* (2016) and *UNESCO on the Ground: Local Perspectives on Intangible Cultural Heritage* (2015).