
New Trends and Directions in the 2003 Convention¹

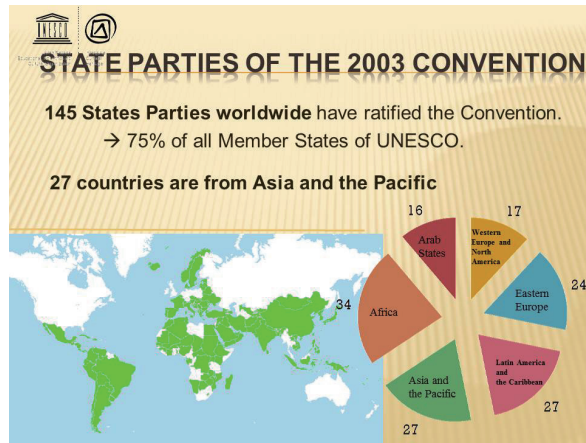
Tim CURTIS

Chief
Culture Unit, UNESCO Office in Bangkok

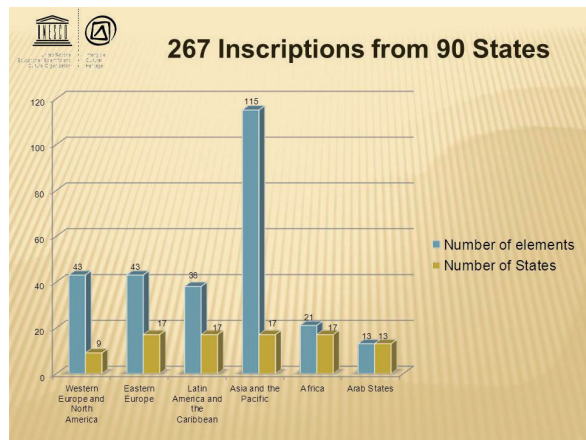
My presentation is called ‘New Trends and Directions in the 2003 Convention’ although it is a bit hard to say which trends are new because this is really the first round of periodic reporting we are getting. So what I want to do is give you a summary of the information received by UNESCO following the start of the periodic reporting process. So they are obviously new directions because this is the first time. Some results are surprising and unanticipated, and others are to be expected.

Just to sum up, we now have 145 States Parties that have ratified the Convention, and that represents 75 per cent of all the Member States of UNESCO, and twenty-seven of them are from the Asia-Pacific region. This is really quite remarkable, especially when compared to other international treaties. For instance, it took twenty-one years for the World Heritage Convention to get the same level of ratification. In terms of international conventions, this is super rapid, a very quick ratification rate.

1) This article is a transcript of the presentation given by Tim Curtis at the conference.



One of the things, perhaps, that attracts states, and I'll come back to this, is the inscriptions—the lists. There has been a lot of discussion about the lists and the listing mechanisms, pro and against. They have advantages and drawbacks in so far as which ICH elements are excluded as well as included—all of these questions are relevant. In any event I think we have some very interesting tables here, showing the geographical distribution of elements on the lists. And maybe I'll be a little bit provocative to Dr Lee and wonder if we don't have an Asia-centric convention, (as opposed to the what was originally alleged to be the euro-centric 1972 convention), with this listing here because we can see very clearly a higher rate of listing in Asia and the Pacific.



So this table still raises a lot of questions in relation to the listing mechanism perhaps not about what is out there in terms of intangible cultural heritage, because I do think my question was a bit provocative. For instance, Africa has a lower rate of listed elements. Nobody is going to say—nobody who has spent at least five minutes in Africa would say that Africa doesn't have much intangible cultural heritage. Clearly, it is extremely rich with intangible cultural heritage, but there are questions of government mechanisms and governance as well as the ability to do nomination files, the ability to engage in UNESCO processes, and the ability to follow up on all of that. So we need to keep in mind that as much as we would like it, these lists do not purely or properly reflect what is actually happening out in the world, but nevertheless they do play some positive roles, and we'll come back to this.

We know that there are three lists in the Convention—the Urgent Safeguarding List, the Representative List, and the Best Practices Register, and clearly again here, we have a major imbalance.

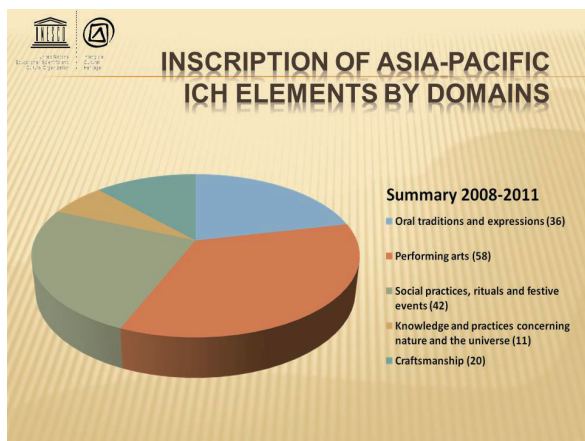
INTANGIBLE HERITAGE LISTS 2008-2011

Category	Worldwide	Asia/Pacific
ICH in need of Urgent Safeguarding	27	16
Representative List	232	106
Best Practices	8	1
Total Elements Inscribed	267	123

** 90 elements listed in 2008 were formerly proclaimed Masterpieces of the Oral and Intangible Heritage of Humanity*

The numbers on this table is of particular concern. For example, the Urgent Safeguarding List and the Best Practices Register are very far behind the Representative List. Some of this is because there was an automatic transfer of the Masterpieces of the Oral and Intangible Heritage to the Representative List when the Convention went into effect. However, we clearly need to think about what the purposes of the Convention are. If the purposes of the Convention are also looking

at how to safeguard intangible cultural heritage and how to prevent the loss of the myriad forms of cultural expressions that are disappearing today, then we need to do something to address this imbalance and we need to do something that is going to gear the Convention more towards safeguarding heritage that is about to be lost rather than just promoting heritage that is, in a sense, quite viable.



In terms of Asia-Pacific, we can see some of the ways the domains are being listed. Performing arts is clearly the biggest part of listings, and knowledge and practices concerning nature and the universe is the smallest part. Otherwise, social practices, rituals, and festive events as well as craftsmanship and oral traditions and expressions are very well represented. All in all, I think we are getting a relatively good sample even though there are in reality a number of ‘crossovers’, so that actually when we look at knowledge and practices concerning nature and the universe that may well fall into social practices, rituals, and festive events. So these categories aren’t always completely discrete entities. Sometimes, States Parties have to choose among two or three categories to list an element under.

This year, twenty-one States Parties will be required to submit periodic reports to the Committee. This is one of the requirements of the Convention, for each State Party, every six years, to report what they have been doing to implement the Convention. We are now getting our first round of reports, so I will give you some information based on those reports and based not only on the formal report for the Committee but also on preliminary reports that the Secretariat has already

received. And I’m going to look at what measures have been taken and the status of some inscribed elements, just to cover a few things.

Again, the Convention shouldn’t only be about the lists. The good news is, in fact, that a lot of measures have been taken outside of just listing elements. A lot of countries have been doing things beyond just submitting nominations for the lists, which was what the fear was. From the periodic reporting, in terms of laws, quite a number of countries seem to be thinking about laws related to ICH and setting them up. They may not have finished that process, but they have engaged in the process of reflection. Other countries already had laws, or they are revising their cultural heritage laws to include ICH. The latter is the more common approach. This has sparked internal debates about revising cultural heritage laws. And, of course, there are countries, for instance, from this part of the world that have had long-standing laws. In some cases, there are also discussions as to whether they will need to be revised.

A lot of countries are now looking into setting up government institutions or ICH departments within their cultural heritage frameworks, which didn’t before look at interagency cooperation. Without going into too much detail, a lot of countries have reported on how, because of the ICH community-based approach, they are looking at decentralising some of their cultural heritage policies to provinces. In addition, depending on the country, some have said that they are looking into decentralising budgets in that respect.

They are also trying to run training in some cases, and I’ll return later to how this has become a priority for UNESCO—training and capacity building of the government— is where the bulk of our efforts have been going.

States are reporting on the involvement of NGOs. Although it varies among countries, this is to be expected. And I think Dr Blake made a very important point in that an NGO can mean anything. We don’t know what NGO, where it is, and what it is doing. There is a wide range of organisations calling themselves NGOs. And the States are starting to report on issues related to intellectual property of documentation and public access to materials. So these are some broad trends coming about in the institutional capacity issues in the periodic reports that we have noticed up to now.

Inventories—because inventories are an obligation under the Convention, the periodic reports are necessarily reporting what the countries have been doing with

inventories. This is one area where things are moving. There are a lot of different approaches, and in my opinion this is a good thing. There are different approaches and different ways because—and we are constantly asked in the UNESCO field offices to create a standardised format for inventories—we have deliberately, and thanks to the work of the Committee, been saying that we cannot do that. We have those for world heritage sites, museums, and illicit trafficking, and we circulate them to governments, which helps. But, for intangible heritage, it is very important that we not do that because this could distort the picture of what is actually going on. So we have been doing a lot of work, and some people in this room have been working with countries, to not just do the inventory but conceptualise the inventory from the outset and set up frameworks to feed this inventory.

We are noting, quite satisfactorily, that many countries are mentioning viability as one of the criteria or indicators in their inventory. This tells us that this issue is coming into play. And we are seeing some variation in the frequency of updating—some countries are looking at updating every six months while others are processing every one, two, or five years—and I think that is okay.

I think that, as Dr Blake references, there is recognition of communities' roles, and it is mentioned in the period reporting. However, I wouldn't say that it is fully understood or integrated, as it is still a new practice in many places. So we are being told that communities are being involved, but we are not being told how in most cases. NGOs are also being involved, but in disparate ways, and I'll come back to that later. But there is a good understanding in some places of how NGOs and associations can be linked to ICH, and we are seeing a growing role for that.

Some of the other measures being taken—policies. We are seeing policies being put in place and they are being reported. The policies can contain specific programmes to support ICH or may be linked, as I said earlier, to decentralisation of cultural practice. A number of countries have started funding festivals, and these festivals have become a means to engage with ICH. So that seems to be rising according to the periodic reporting. With the role of museums, we are seeing more and more community-based museums and linkages over the concept of ICH coming up in museum policies and programmes.

There has also been a big effort in digitisation, which is good and important. But it does carry with it some risks and it does cost a lot of money, so it could involve large resource allocations. Decisions would have to be made. And once

documentation and digitisation come into play, that may be detracting from other areas and it may be seen as an end in and of itself.

As was mentioned earlier, sustainable development is the theme of this conference, and a number of periodic reports that we have seen as well as through the work of some of our colleagues working in interagency UN development, we are getting ICH starting to be referred to in some of the development strategies and national development planning. Sometimes, it isn't specifically called ICH, but it is called cultural customs and so on. But the fact that it is even getting its foot in the door of development planning is quite remarkable. In many cases, it used to be just shut out.

We have also seen a number of references to tourism. As many people know, there is a lot of debate about it—the benefits and the dangers of linking ICH to tourism, but I will not go into all the details of that. Another approach that we have seen a number of countries take is to provide physical spaces. So there is some recognition that ICH may need some physical spaces. What I am specifically interested to know is, for instance, in the Asia-Pacific, what is happening in cities. I think we may not have thought about that enough. Because of this rural-urban migration, a lot of ICH is now being practiced in cities.

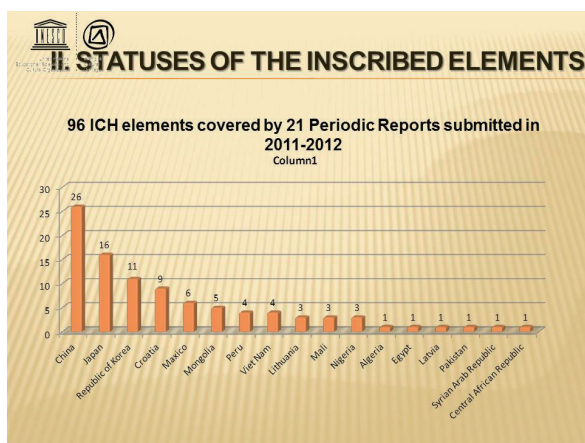
We have examples of countries integrating ICH elements into schools—this is important in terms of recognition and value—setting up non-formal transmission mechanisms, financially supporting schools for performances, and so on. These are some of the training mechanisms being reported. In terms of language, which is very important to ICH, we are seeing debates in some countries, and some are endorsing early mother-tongue education programmes and multilingual education programmes. These things are happening more. If we are to take stock of the last ten years of the Convention, we are seeing movement in some of these policies that are not just about the direct implementation of the Convention or the listing.

We are seeing more cooperation, and I think ICHCAP is an example of that. We have seen people from all over the world working at ICHCAP, but we are also seeing the trans-boundary or multinational nominations and countries sharing with research and inventory-making methods and so on.

We have four category two centres in the Asia-Pacific region being established—ICHCAP, here in Korea of course, and one each in China, Japan, and

Iran, the latter of which is on the verge of finalising the process to set up the centre. There is another category two centre in Latin America and one in Eastern Europe that is in the process of being established.

Now, let us move on to the inscribed elements. This is what has come back to us through the periodic reporting, outside the question of listing. Reporting the status of inscribed elements is a required part of the periodic report. And here is the number of elements covered by the twenty-one periodic reports, so not all of the two hundred plus inscribed elements. These figures represent the elements inscribed during the period covering the report. And we can see the number of countries, and once again, we can see a number of countries in Asia, but we don't need to dwell on this.



In terms of what is being listed as far as socio-cultural aspects, they are reporting that, in some cases, we are seeing a contribution to group cohesion and a transmission of values, particularly when there are multinational listings have been inscribed. Activities have been generated, connecting communities across borders, where they perhaps wouldn't have otherwise been. They have also been reporting that there is a need to make more connections with tangible, physical elements and spaces. This also links to what Dr Blake was saying earlier about how the two conventions for tangible and intangible may come together in the future, or at least overlap more. This is also the result that having such a clear delineation doesn't necessarily work.

There is an emphasis that the listing may have helped again in terms of social cohesion—festivals and elements, sometimes with giving recognition to minority groups has helped diffuse tensions in some cases. So these are some of the positive effects that listing may have. Minorities will feel a sense of pride and feel better integrated in the life of the nation. At least, that is what is being reported in some of these periodic reports.

Viability is being referred to, but some of the matter is how to define this question of viability. For instance, community-based initiatives are usually the safest form of viability, and I think, we should step back and say that the best thing that can happen to intangible heritage is that there is no need for government, there is no need for UNESCO, and there is no need for experts. That is the best condition for intangible heritage—when all of us go home—but that is not the situation of the world today. So, we still need to encourage governments to recognise that the best way to preserve or safeguard intangible heritage is for communities to be doing it on their own.

In terms of using an indicator for transmission vitality, a lot of countries are measuring vitality in terms of the number of practitioners or the number of speakers. In fact, it might be more useful to look at the question of transmission. Knowing whether ICH is being transmitted to the next generation may give a better indication of its vitality than just pure numbers. Nevertheless there is almost always the idea of international recognition instilling a sense of pride and a sense of reinvigoration to the practice.

The risks that have been listed haven't seemed to have changed much. We have changing lifestyles, generation gaps, overpowering formal education systems—the latter of which is an interesting one and it poses a particular dilemma for UNESCO, which promotes education for all. But it is true that with a formal education system, the younger generation may not have the time, or it may not even be put to them to access all of the elements that they would have traditionally had access to, in terms of learning ICH. This is an on-going challenge, and one that is being discussed even within the education-for-all paradigm. I know that some countries have been employing what is called 'local content'. So 20 per cent of the curricula can be done by teachers at the local community level. We are trying to create some programmes now under Education for Sustainable Development to look for ways to incorporate intangible heritage into school curricula and school

planning. But this is an issue that is going to go on, and we need to work with it.

Again, there is a lot of listing now and difficulty in maintaining spaces and preserving spaces and objects that are necessary for the cultural expressions. So we are seeing that there are tangible restraints to safeguarding intangible heritage. And that is being reported more and more, whether it is the spaces, the objects themselves, or the knowledge to make them that are no longer available. In some cases, even the actual materials from which they are made are unavailable, and this links to the sustainable development agenda as well.

In a few cases, there are concerns about commercialisation and violation of privacy after being catapulted into the limelight of UNESCO listing on a global level. This can cause additional tensions and problems within communities, and there have been a couple of cases where this has become apparent.

Generally, countries have also been reporting on how listing has contributed to the goals of the list—to act as an incentive to other communities and to create interest and respect for minority cultures for cultural diversity. So overall, there has been positive feedback from the countries in which the listing process has contributed to these as well as the participation of the communities. It does get reported, but I think we still have a great deal more work to do.

So what are some of the issues faced after the first round that still need to be addressed? There is still a lot of concern about policies and laws to ensure access to intangible heritage while respecting customary practices governing access to ICH. So there is still a big question mark as we go about documenting, setting up inventories, and listing with UNESCO—how are these rules and customary access being dealt with? That is not clear at all. We probably need to do further work at the international level on this specific issue. But the problem is that solutions can only be found at the local level; they cannot really be international solutions I don't think.

And this touches on the issues of intellectual property rights surrounding ICH documentation. I know that ICHCAP wants to work on this issue next year, but to what extent and in which exact way? I know the Convention doesn't touch on the issue of intellectual property of the ICH element itself; it does ask countries to inventory ICH. And from the moment it asks countries to inventory ICH, there could and will be intellectual property issues in terms of how those inventories can be used and how those documents are circulated. So we still need to do some work involving that in terms of listing and the inventorying process.

We also need to keep working to support transmission and integrating some of the tangible aspects of ICH. So this is where UNESCO and all our partners need to work as we move ahead in the life of the Convention. And some of the other challenges we have been seeing that are a bit less technical. There is still a matter of ICH 'instrumentalisation', perhaps for in-country purposes. We have to be careful about this; we have seen conflicts—not open conflicts, but tensions—that have emerged over listing, so we need to be careful because the idea of the Convention is to contribute to peace, not cause conflict. Nationalising ICH is one of the danger areas we may face, or at least one of the areas to be aware of as we move forward with the Convention.

Sometimes festivals, tourism, and performances are leading to the de-contextualisation of the intangible heritage. This is a danger, even in world heritage. It has been called the Midas touch of UNESCO—you turn something into gold and you end up killing it by doing so. So, we have to be careful. That does not mean that we have to abandon the whole thing, but if we don't pay attention to that, it can have negative effects. And I also think we have to learn how to work with the language issues better because ICH is intrinsically linked to language.

So again, I think that was just a very quick overview just to bring you up to date on some of the feedback from UNESCO on the reporting processes. As we said earlier, the Convention is still very young; the World Heritage Convention is still undergoing review of its Operational Directives; it is still rethinking concepts, so we should expect the same for the ICH Convention. I think re-thinking the Convention is a positive thing, as it shows that the Convention is alive, and let us hope that we are still doing that in twenty years because that would mean that we are still relevant and alive.