Overview of the Impacts of the 2003 Convention to the Asia-Pacific Region[1]

——————

Tim Curtis

Head of Culture Unit

UNESCO Office in Bangkok

Introduction

I would like to thank Dr. Samuel Lee for inviting me to give this tour of the impacts of the 2003 Convention in the Asia-Pacific Region. I'd also like to thank Dr. Weiming for giving a talk that situated the work we do in a broader context and explained our work with intangible cultural heritage. I found it to be a very stimulating talk and a great way to start this day and a half.

I am going to talk on a more basic level about what has been done as a result of countries coming together to ratify an international agreement that aims to safeguard intangible cultural heritage. It was a very ambitious program in the beginning. I was privileged to see a little bit of it working with Ms. Aikawa at the UNESCO headquarters during the time leading up to the Convention.

----

1   This is a transcription of the oral presentation given by Tim Curtis at the conference.

Overview

Let's start with a quick overview. Today, a hundred and fifty-five State Parties have signed the Intangible Cultural Heritage convention, including thirty out of forty-four Asia-Pacific countries. In terms of United Nations treaties and conventions, this is a very fast rate.

The fact that so many countries have signed so quickly shows that the Convention was responding to something that was felt throughout a lot of parts of the world and was responding to a lot of aspirations. The keynote speech gave us some understanding of why that was so. But what we do not know yet and might take some time to figure out is to what degree countries signing this Convention and coming together to talk about the importance of intangible cultural heritage has actually resulted in successful implementation and successful safeguarding. We need to keep asking ourselves to what degree ICH safeguarding is being embodied and enacted.

Finally, within the Asia-Pacific region, the Pacific island countries have a much lower level of ratification of the Convention, yet they have very active intangible cultural heritage programs and have enacted them for a long time.

Asia-Pacific Countries of the Convention

We are getting close to having the entire Asia-Pacific region in the Convention. The most recent countries in the region to have signed the Convention are Malaysia, along with Micronesia and Nauru, who signed this year. Some countries are still in the process but have already started implementing safeguarding practices, which I will discuss a little bit later.

Listing

I will not spend much time on the question of listing in the Convention—although I will briefly talk about it— because I believe a later session and a later paper will look specifically at the issue of listing within the context of the Convention. We will see that the Asia-Pacific region has been particularly active in the listing process as almost half

of the global listed elements come from the Asia-Pacific region, with three East Asian countries having the highest number of listed elements. These numbers clearly show that the listing aspect is considered important in this region.

The Three Lists

There are three lists in the Convention: the Representational List, the List in need of Urgent Safeguarding, and the Register of Best Safeguarding Practices. There is an imbalance towards the Representative List, but if we look at the numbers, the lists are balancing out. Although at the beginning, there was a big push towards the Representative List, now, countries are starting to move towards a more balanced approach and starting to spread to the other lists. We shall see where that goes in the future.

The Representative List has clearly resulted in increased awareness raising, which is an important element. But has it resulted in a significant increase in safeguarding? I do not think we have the knowledge yet to say yes or no.

Internal Oversight Service Report

Last week, UNESCO's Internal Oversight Service Report evaluating the impact of the 2003 Convention has been made accessible. The Member States of UNESCO have asked for a full evaluation of all the culture-related conventions, and the first one is the 2003 Convention. Some of the elements I will be talking about draw on that evaluation. The evaluation, which is available online, is currently a draft to be adopted by the executive board in the next coming weeks, at which stage it will become a final report.[2]

Four Axes of ICH Safeguarding

The evaluation identified four axes for safeguarding at the national level. I am going to give an overview of what might have been achieved in these areas. What this does not necessarily address is the real safeguarding at the community level. Sometimes people

----
2   The final report can be found at: www.unesco.org/culture/ich/doc/src/ITH-13-8.COM-5.c-EN.doc

ask me, "What is the best thing that can happen to intangible heritage?" And I say, only half jokingly, "The best thing that can happen is that there is no need for a Convention, no need for UNESCO, no need for research; it just is." But the world today is moving at such a pace that there are forces at play that call for action. There is a need to frame that within policy, orientations, and conventions. The Convention is responding to those needs.

Legal and institutional frameworks are one way of enacting safeguarding at the national level. Another is inventorying and defining scopes of national ICH, something that the Convention stresses as one of the obligations of the State Parties. Next is awareness raising because, since intangible cultural heritage is transmitted through generations and since it is lived heritage that people enact themselves, being aware of it is a big part of safeguarding. Finally, there is the research and scientific inquiry element.

Legal and Institutional Frameworks

I want to look a little bit at what kinds of legal and institutional processes have been set up following the 2003 Convention and in the last ten years as a result of the Convention. We did a survey in the region. We found that some countries have no policy or legal instrumentation for ICH or are in the process of drafting them as a result of signing the Convention. Some countries are using pre-existing legal frameworks. A number have launched new laws or policy frameworks. Some are just amending what existed previously.

Drafting legal frameworks

For example, Bhutan and Palau are in the process of setting up new intangible cultural heritage frameworks. Bhutan is an interesting case because it defines access to cultural life as a key element its gross national happiness indicator. It sees participation and access to cultural life as a key indicator of fulfillment of society and as a sustainable development outcome.

Using Pre-existing Legal Frameworks

Other countries using pre-existing frameworks often come back to issues of archives and preservation, or copyright. Of course, these are important for intangible cultural heritage, but defining intangible cultural heritage in terms of archive and copyright may be missing out on the "lived" or "embodied" element that was expressed earlier.

A lot of the pre-existing frameworks have to do with intellectual property and archiving. What the Convention has brought around is a sense that intangible cultural heritage is first and foremost defined by the practitioners and communities themselves. Therefore, it has to be a lived heritage rather than an archived documented heritage.

Amending pre-existing laws and policies

Some countries, particularly here in East Asia, where intangible cultural heritage policies existed previous to the 2003 Convention, really moved the Convention along at UNESCO. Countries have been adapting and reviewing existing laws to bring them in line with the Convention. Japan amended the definition of intangible heritage for cultural properties with some impact, for instance, on the recognition of indigenous people. The Republic of Korea, Mongolia, and the DPRK have all amended their cultural heritage acts. Sometimes, these amendments are in line with the Convention; sometimes there is some dissonance, for instance in talking about preservation rather than safeguarding. However, the Convention has at least brought about a reflection within the administrations on these things.

Creating new laws and policies

A number of countries, including Bangladesh and Kyrgyzstan, are setting out new policies and laws. Lao PDR is in the process of reviewing policies and laws that they created in 2005. In Malaysia, the Heritage Act, which they passed prior to signing the Convention, has now kicked into force. We will hear tomorrow about Vietnam, who has made some rather radical changes to cultural heritage understanding as a result of the 2003 Convention. China has launched a major new cultural heritage policy

in which ICH plays a strong role. This policy aims to promote the nation's spiritual civilization through ICH and to recognize the diversity of minorities within China. The policy works through three systems, which are investigation, representative projects through listing, and inheritance and dissemination. Clearly, the 2003 Convention has had a significant impact on the national cultural policy of China. China being such a large country, it really is a major impact.

Global view

About three-quarters of countries that have submitted periodic reports have initiated new safeguarding policies. A vast majority of them have integrated ICH safeguarding into pre-existing policies, and only a small number (twenty percent) have stand-alone policies. When they do have stand-alone policies, the emphasis is on awareness raising, transmissions, completing the inventories, creating an enabling environment, strengthening ICH's functions, and documentation and recording. These are the kinds of the elements that the Convention wants and that represent the multi-faceted aspects of ICH safeguarding. In reality, if we did a deeper analysis of the budgets allocated to the elements and to the kind of work actually going on, we would probably find—although I do not have absolute proof of this—a stronger focus on documentation and recording, completing inventories, and research. So we may have more way to go towards creating more policies regarding the enactment of safeguarding.

Challenges

Some of the challenges we found is that ICH is not yet integrated into policies from other sectors that are related to sustainable development, as recommended. How does ICH relate to agricultural policies, to educational policies, to fisheries, to environmental management? ICH could have strong repercussions in all of these domains. And we've talked about the need for ecological sustainability, for example, which is one of the most difficult challenges we are facing.

ICH policies should enhance the viability of ICH in the community rather than emphasize documentation and recording. There has been increased awareness of

the need to focus on sustainability, but we are not quite sure how to achieve this. Some countries have made more efforts in this sense than others. The Philippines has interesting examples of schools of living traditions.

NGOs

There are forty-four NGOs working in Asia and the pacific accredited as advisory bodies. The NGOs are identified as playing a key role in linking communities to governments and making sure that policies and laws are answering the needs of the communities. They can play a very important role in monitoring government policies. But within the frame of the Convention, apart from the advisory boards for the nomination files, it is not quite clear what the relationship between NGOs, communities, and State Parties is in relation to implementation of the Convention. There are many grassroots NGOs and associations involved directly in safeguarding activities. In the next ten years, it would be good for the mechanisms of the Convention to engage more directly with them, which means that a networking and coordinating mechanism has to happen.

National Inventories

A lot of countries have started a national inventory list and begun a national inventory process. Twenty States in the Asia-Pacific are implementing the inventory-system process. Some are changing it. Vietnam, as I mentioned earlier, is an example of a country where the inventory process is being radically changed to align with the spirit of the Convention. Some are establishing new inventories in Central Asia. Clearly, this aspect of the Convention is raising awareness. It is creating discussions within countries.

Inventories have their advantages and disadvantages, which Ms. Aikawa and I will probably speak about a little bit more during the discussions related to inventories. Inventories were put in listing at the national and international level as a key element of the Convention—not without some controversy. But in a number of countries that have not yet even signed the Convention, the inventory process has started. Those countries are preparing in anticipation of the Convention. Thus, we can see that the Convention

has had some impact on national policy and practice even in countries that have not yet ratified.

Challenges

Some of the inventories are presenting a number of challenges. Again, the Convention calls for identification of ICH to be community-driven and based. Yet probably because of practicalities involved with working on the issues and habits within institutions, most inventories are being defined by experts and government officials rather than by communities. Some places are creating hierarchies; naming number-one, top cultural expressions. The Convention specifically tries to reject hierarchization of cultural expressions. But as with any listing system, once you include, you also exclude, and we need to consider the impacts of this.

Some countries are using authenticity or outstanding value as a definition for inclusion on the lists, but the Convention explicitly rejects the notion of authenticity. There's a clear usage of the word authenticity in tangible cultural heritage that refers to using the same material as before, but the implications for that in intangible cultural heritage have been considered problematic in that using the notion can lead to a freezing of the practice.

There are also concerns about commercialization or folklorization through this process that have been recorded in some countries. The economic value of heritage is mentioned in the Convention, but when does that economic value become a distortion to the intangible cultural heritage? These are issues that have been reported both in the evaluation report and by countries themselves.

Awareness Raising

The biggest impact of the Convention seems to be on awareness raising at the international level. When I first joined UNESCO in 2000 with Ms. Aikawa, I had never heard of intangible cultural heritage, even though I'd been working with it for the last six years, running around working on this thing that I later came to know was called "intangible cultural heritage." It is now widespread. It is a concept that has been accepted into academic and policy discourse. That in itself is quite an achievement because ICH is now something that is valued as cultural heritage whereas before, cultural heritage was just buildings. This achievement should not be underestimated. We can see a lot more references to ICH in mass media and on TV. Communities who have been listed have in many cases reported a major reinvigoration and attachment to the ICH through that process.

We have also had challenges. We've had some negative impacts. In some cases, we have seen international tension over defining who owns a specific element of ICH. We have seen that in Asia, in Southeast Asia, and in East Asia. Who owns; who originally owned? The Convention is very clear: origin does not count. What matters is where it is practiced today, but these tensions have emerged as a result of the Convention, and we need to be aware of them. UNESCO clearly encourages the shared heritage as a means to advance regional cooperation and establish exemplary international safeguarding practice. We actively try to encourage State Parties to collaborate collectively on safeguarding shared intangible cultural heritage.

Universities and Research

There's still a need for greater work in terms of universities and a network of universities in the region. The number of people doing advanced university degrees in ICH safeguarding is unclear. We do not have a massive body of scientific or academic scholarship on what works and does not work for ICH safeguarding like we do for tangible heritage. When the 1972 Convention was listed, there was already a long-standing academic body of work. There is a need to establish a greater network, which is something the Convention should do among researchers and academics. It would be good to see ten years from now people with PhDs and master's programs in intangible cultural heritage safeguarding, moving along the body of knowledge and understanding of what really works and does not work in terms of safeguarding.

Main Impacts

The main impact is significant awareness raising. In some cases, we have seen greater acknowledgment of ethnic minorities within countries as a direct result of the 2003 Convention. This is an important aspect in many countries where ethnic minorities in the past were not recognized as a discrete voice. We have seen a growing recognition of the cultural rights of ethnic minorities through intangible cultural heritage.

Future Opportunities and Challenges

What can we see as some of the future opportunities and challenges? Where do we want to go ten years from now? We clearly need to reposition Urgent Safeguarding as an expression of State Parties' commitment. We want the Convention to be working on safeguarding endangered intangible cultural heritage and not just be a kind of beauty show of the best. We need to move more in that direction, but there are some encouraging signs that this has been happening. We need to increase the participation of NGOs and particularly the participation of practitioners and communities. The processes of the Convention are central on paper, but in practice, they are peripheral. What came out of the evaluation is a need to link ICH more clearly to sustainable development policies, other sectors, and strengthen the monitoring and evaluation of the Convention at international, national, and community levels.

Conclusions

Finally, pointing out where improvement may be required should not be discouraging. We are still seeing revisions in the operational guidelines of the 1972 World Heritage Convention, which has forty years of practice. Comparing the process in the early 1980s to today's shows that it has dramatically changed and continues to change. We should not be discouraged, and we should not be surprised that the same will happen with the ICH Convention. We learn by doing.

Given the fact that we have a whole new set of challenges, the achievements of the Convention in the first ten years are laudable. We have seen quite an increase in awareness. That there are new directions and new challenges is a sign that things are actually working. When you solve one problem, you create a new one, and the process will probably continue.

Thank you for your time.