Between
Imagined Communities
and Communities of Practice

Participation, Territory and the
Making of Heritage

ed. by Nicolas Adell, Regina F. Bendix,
Chiara Bortolotto and Markus Tauschek

Göttingen Studies in
Cultural Property, Volume 8

Universitätsverlag Göttingen

Nicolas Adell, Regina F. Bendix, Chiara Bortolotto,
Markus Tauschek (eds.)
Between Imagined Communities and Communities of Practice

Between Imagined Communities and Communities of Practice

Participation, Territory and
the Making of Heritage

Edited by
Nicolas Adell, Regina F. Bendix,
Chiara Bortolotto and
Markus Tauschek

Göttingen Studies in
Cultural Property, Volume 8

Universitätsverlag Göttingen
2015

Address of the Editor
Prof. Dr. Regina F. Bendix
Institut für Kulturanthropologie/Europäische Ethnologie
Georg-August-Universität Göttingen
Heinrich-Düker-Weg 14
D-37073 Göttingen
Email: rbendix@gwdg.de

Contents

Community and Territory from Legal Perspectives

****

Cultural Values and Community Involvement beyond UNESCO

****

Reflections on Heritage Experts and Decision Makers

Preface

Nicolas Adell, Regina F. Bendix, Chiara Bortolotto and Markus Tauschek

The present volume is the result of two parallel endeavors. Between 2009 and 2012, the editors planned and carried through three trilateral conferences focused on the overall theme of "Institutions, Territories, and Communities: Perspectives on Intangible Cultural Heritage" and held under the auspices of Villa Vigoni. Supported by funds from the *Deutsche Forschungsgemeinschaft* (DFG), the *Fondation Maison des Sciences de l'Homme* and Villa Vigoni, anthropologists, European ethnologists and legal scholars from Germany, France and Italy, augmented by a few participants from Switzerland and the USA, we had the opportunity to explore thematically linked questions concerning the heritage complex in a location and atmosphere highly conducive to intensive exchange. The German delegation for these meetings was largely drawn from the second undertaking, namely the research unit "The Constitution of Cultural Property," funded from 2008-2014 by the DFG as well, and focused in part on research questions dovetailing those proposed for the trilateral meetings. To these sponsors we express our sincere thanks.

Not all of the papers presented at the Villa Vigoni conferences are represented in this volume. A number of them have been integrated into the volume *Heritage Regimes and the State* (volume 6 of the present series). Others have seen publication in other venues. The full list of participants of the three conferences appears at the end of the introduction, providing the titles in the languages they were presented in, and stating where available their places of publication. We would like to thank all contributors for their engagement in this endeavor: the trilateral exchange has contributed to a better awareness of what kinds of research clusters and thematic priorities exist within our respective countries and has intensified the linkage be-

tween German speaking and Romance language scholars in the field of critical heritage studies. The participation of legal scholars, furthermore, has broadened the mutual understanding of the differences entailed in approaching heritage making, its constituent terminology and its consequences depending on one's scholarly tradition and standing vis-à-vis society.

In preparing the volume, we were able to rely on Philip Saunders' skills in smoothing different kinds of English into a more consistent form. Lea Stöver (Göttingen) and Jörn Borowski (Kiel) carried out copy editing and formatting tasks. Many thanks to them as well.

Göttingen, March 2015

Introduction. Between Imagined Communities and Communities of Practice: Participation, Territory and the Making of Heritage

Nicolas Adell, Regina F. Bendix, Chiara Bortolotto and Markus Tauschek

Seeking a title for the present collection, two relatively recent coinages proved to aptly encapsulate the entanglement of heritage ideologies and practices addressed in the assembled papers. In its 19th century emergence, heritage making is profoundly linked to nation-building. Vestiges of culture, from language to cultural traditions, were harnessed, as evidence of the political coherence of a people, with collective creation and, hence, shared origin as its foundation (Hafstein 2004). Benedict Anderson (1983) coined the concept of "imagined communities" in his expanded consideration of nation making instruments, also encompassing post-colonial situations. Utilizing the heritage matrix has become one means of empha-sizing a national, partial or even transnational imagined community, maintaining the potential political thrust of heritage making even when administered by UNESCO, the United Nations organization so profoundly entrusted with a mis-sion to contribute to world peace. Community of practice, in turn, is a concept introduced in learning theory (Lave and Wenger 1991; Wenger 1998). Using it, Etienne Wenger sought to express that individuals from diverse backgrounds and interests could, nonetheless, work together productively on joint goals. We saw the applicability of this concept evident throughout the heritage complex and beyond: Actors interested in garnering a heritage title may cooperate with experts and poli-ticians to generate a nomination dossier; decision making bodies from the regional to the national and international level bring together individuals of diverse persua-

sion, yet they form a community of practice in their administrative and negotiation work. On the ground, individuals devoted to maintaining, restoring or reviving a cultural tradition may form a community of practice, not necessarily sharing ethnic identities, but cooperating for the sake of shared political or economic interests. Indeed, the cooperation of scholars from different intellectual traditions and disciplines in this volume constitutes an attempt at a community of practice as well, gaining mutual awareness if not necessarily succeeding in overcoming their disciplinary formation.

The different political ideologies underpinning the concepts of imagined community and communities of practice pinpoint the profound shift in the ways heritage is currently being reconceptualized. While the valorization of supposedly authentic origins historically defined the conceptual and political foundations of the heritage apparatus and provided the basis for conceiving the manifold and patchy population of a nation state as a community, we witness today the elaboration of a different paradigm by international heritage policy makers. Conceptualized as "living" and as a tool for so-called "sustainable" development, heritage becomes a project to be developed by communities of practice. The definition of a "heritage community" introduced by the Council of Europe provides clear evidence of this shift: "people who value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generations" (Council of Europe 2005). In this scenario, communities are not only considered the "bearers" of heritage, but they are also supposed to be actively involved in its transmission. Hence, participation and community have become core concepts of heritage making. The new role assigned to heritage communities of practice does not actually undermine the powerful political idea of imagined communities. This is particularly evident within the framework of UNESCO heritage apparatuses. States are the constituent units of the United Nations and continue to use heritage to promote their national unity, even though everyone is aware that each state contains diverse ethnicities and invariably also individuals who, by birth and enculturation, unite within themselves more than one (ethnic, religious, etc.) allegiance. Whether or not it is territorially bound, community rests on actors constituting it and participating in its maintenance and dynamic continuation. In this introduction, we briefly trace the entrance of participation and community in the heritage regime and then succinctly introduce the papers within the logic of the four segments of the volume.

1   How Communities Entered the UNESCO Heritage Apparatus

When UNESCO adopted the "Recommendation on the Safeguarding of Traditional Culture and Folklore" in 1989, a new concept was articulated in the context of international cultural policy (Kurin 2001). The understanding of cultural heritage

proposed no longer focused only on material or natural heritage, such as cathedrals, castles, landscapes or biodiversity, it extended to what ethnologists and folklorists call folklore – traditional, popular or expressive culture. This shift was based on revised and increasingly permeable academic concepts of culture, and on growing political and societal interest in traditional culture: the immaterial realm was gradually interpreted as an important social and economic resource (cf. Ciarcia 2006; Hafstein 2007). Covered by the 1972 World Heritage Convention, the materiality of the built environment, as well as landscapes, can be protected through various conservation practices. The new focus on what would later be called intangible cultural heritage, however, required new protective and, hence, discursive strategies: How should one – symbolically as well as legally – protect popular culture which is and should remain dynamic? Who should be responsible for the maintenance of collectively generated and executed practices generally lacking in clearly circumscribed ownership? The 1989 recommendation charged actors and custodians from scientific realms, such as ethnologists, folklorists and museum experts, with the documentation or inventarization of cultural expressions. While this strategy inserts different levels of reflexivity and/or alienation among practitioners of tradition, it safeguards, at best, representations of culture, but not the practices themselves.

Scholars participating in the drafting of this recommendation are likely to be held responsible for the strong link made between cultural identity and the safeguarding of tradition. Indeed, scholarly participation in this endeavor was probably occasioned by the concern for cultural communities affected by colonial, postcolonial and capitalist transformations (e.g. Honko 1982, 1990). Cultural scholarship has long recognized the constructed nature of ethnic and national identity (Barth 1969; Honko 2013), and emphasized that, just because such cultural identity is imagined, it is no less powerful in fashioning communal bulwarks (Anderson 1989; Banks 1996; Eriksen 2002).

Scholarship has continued to document and analyze not only productive cultural identity formations, but also and especially the often problematic and even frightening collusion of culture and identity (e.g. Gingrich and Banks 2006). What has been transferred successfully into the UNESCO policy making realm is, however, largely and logically the productive version of cultural identity.[1] Safeguarding measures can address the specter of threatened or vanishing cultural practices and forestall the imminent danger of "damaged" cultural identity. The mercurial, idiosyncratic processes of identification experienced by individuals in a mobile, globalized and uncertain world, however, as theorized, for instance, in anthropology (e.g.

---

[1] At the time of writing this introduction, we are witnessing the vehement destruction of sites of ancient cultural monuments by an organization calling itself the Islamic State of Iraq and Syria. In its abbreviation, ISIS, it references vestiges of one of the many cultural pasts that fighters adhering to this group seek to destroy in order to create space for one exclusive religious identity. The very foregrounding and honoring of diverse heritages fostered by UNESCO result in these and earlier such instances in aggressive annihilation.

Baumann and Gingrich 2004; Appadurai 2013), cultural studies (Hall and Du Gay 1996) and philosophy (Taylor 1989; Bauman 2000), find little space in this framework.

The constructed, if cherished, nexus between tradition, community and identity received further scaffolding when, fourteen years after the UNESCO recommendation, UNESCO adopted the "Convention for the Safeguarding of the Intangible Heritage" (cf. Blake 2009). The conceptual shift from folklore to the new key concept "intangible cultural heritage" (ICH) forged a connection between the static monumental artifacts addressed by the 1972 World Heritage Convention and immaterial, knowledge-based traditional practices; latently, this constituted an acknowledgment that the monumental was also the product of knowledge, skill and practice of the cultural past. In defining ICH as the practices, representations, expressions, knowledge and skills that provide communities "with a *sense* of identity and continuity" (UNESCO 2003, art. 2.2; our emphasis), the 2003 Convention acknowledges the constructed nature of identity resulting from a subjective process of identification. This entails a more profound shift whereby the key actors in heritage legitimation are no longer the scientific heritage agents through their authenticating authority, but the communities that identify themselves with particular cultural elements. Communities are, therefore, supposed to have a key role in recognizing such traditions as "heritage" and in safeguarding them. The participation of communities is, therefore, regarded as necessary for nominating their cultural expressions to international UNESCO ICH lists. The "Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage" accordingly foresaw that: "The community, group and/or individuals concerned participated in the preparation of the request and will be involved in the implementation of the proposed activities, and in their evaluation and follow-up as broadly as possible."[2]

Negotiations involved in bringing forth these operational guidelines strove to empower indigenous groups, community performers or local artisans, and to strengthen their role vis-à-vis state and regional governments. Indeed, some such actors who have vigorously fought to receive this kind of opportunity to act on their own behalf may experience shades of empowerment through intangible heritage nomination procedures. However, various case studies also document how forms of governance engendered by the nomination regime bring forth culture as a consumer good alongside venerated, identity-fostering heritage (cf. e.g. Kuutma 2009; Labadi and Long 2010; Tauschek 2013: 139–161).

The inherent ambivalence of the participatory paradigm has been extensively explored. On the one hand, the taking over of bureaucratic paternalism by civil society has encouraged debate and activism as a counter-hegemonic approach toward radical social transformation. On the other hand, the "political decapitation" (Leal 2007) of participation will eventually create communities as enterprises claim-

---

[2] http://www.unesco.org/culture/ich/en/directives <accessed February 11, 2015>.

ing and managing collective intellectual property rights over traditional knowledge and complying with neoliberal models (Yúdice 2004: 6–7). Individual actors and communities may have good reasons to bolster their cultural identity by increasing its salability. George Yúdice (2004) has traced the, at times, productive intertwining of ideological and market logics in the commoditization of cultural forms (cf. Coombe 1998). Michael Brown in his, by now, classic *Who Owns Native Culture* (2003) further examined key cases where juridical, economic and cultural interests over cultural property took shape and indicated the paths along which different types of cultural property regimes could and would emerge. In a mixture of critique of capitalism and acknowledgment of indigenous craftiness, John and Jean Comaroff have similarly shown how groups harness their ethnic connection for economic gain differently (2009).

Numerous critical analyses, climaxing in Cooke and Kothari's "Participation: The new tyranny?" (2001), have demonstrated that the participatory paradigm, inspired by the emancipatory pedagogy of Paulo Freire and based on the Marxist-oriented Participatory Action Research, has been re-politicized in the service of a neoliberal agenda as a self-help technology. It legitimizes marketization and state retrenchment, thus, unintentionally becoming a key ingredient of what Luc Boltanski and Ève Chiapello call "the new spirit of capitalism" (2007), where the "empowerment" of communities eventually domesticates their potential for radical political opposition, contributing to the commodification and depoliticization of the cultural field.

Emphasis on participation is a characteristic element of the intangible heritage paradigm. It has since also gained in importance in the World Heritage Convention, and European instruments in the field of heritage protection promote the same participatory principles. The participatory approach, whose conundrums are investigated in this volume only with regard to the heritage field, is actually a key feature in global governance. With emphasis on social justice and the empowerment of historically marginalized groups, the participatory ideal was transferred into the domain of heritage management from the broader development field, where it emerged at the end of the 1970s. It has been progressively adopted by international development agencies, such as the World Bank, the FAO and UNICEF (Oakley 1991), becoming a buzzword of the agendas of international organizations that increasingly seek to involve citizens as "accountable experts" in the design of environmental, medical, agricultural or city-planning projects (Müller 2013).

The centrality of participation is evident in the increasing pressure of local communities and groups, often with the support of non-governmental organizations and at different organizational levels within the United Nations' apparatus. The World Intellectual Property Organization (WIPO) made observation and participation of indigenous and community representatives possible in its committee work on cultural property, including traditional knowledge, traditional cultural expressions and genetics; WIPO works with an indigenous caucus that acculturates

newcomers to the negotiation culture within this UN organization (Groth 2012: 47, 50, 57). Similarly and earlier, indigenous and ethnic groups within the International Labor Organization (ILO) found opportunities to let their concerns be heard, and the Convention for Biological Diversity (CBD) acknowledges the need for such community voices to be heard and considered in the same manner. However, as Irène Bellier points out with reference to indigenous organizations involved in the elaboration of the United Nations Declaration on the Rights of the Indigenous Peoples, the participatory model provides them with new instruments, such as the right to consultation, and with a voice in decision making processes, while transforming indigenous leaders into "convenient interlocutors," thus limiting their potential for contestation (Bellier 2013). Noyes observed a similar contradiction in the realm of heritage policies in the Catalan Berga (2006).

The initiative on the part of indigenous or community actors to participate in global forums, concerned in one way or another with "culture" in quotation marks (Carneiro da Cunha 2009), in pursuit of seeing their burning questions addressed has been somewhat successful. Their major underlying goals concern issues in the realm of territory and human rights, and different United Nations sub-organizations grant different kinds of opportunities to pursue these issues, among which cultural rights have become a productive option. It is, nonetheless, States Parties who have decision making power and, in the case of heritage conventions negotiated within UNESCO, community participation has been turned into a normed and normalizing concept for nomination processes as well as for the cultural goods being nominated.

2   The Aims of the Vigoni Conferences

The starting point for three international and interdisciplinary conferences held at Villa Vigoni in 2010, 2011 and 2012 was the circulation of the concepts of community and participation, their entanglement with notions of territoriality, and different political and social fields concerned with matters of cultural heritage. How and by whom were these concepts interpreted and re-interpreted, and what effects did they bring forth in their implementation? What impact, rhetorically and practically, was wielded by these terms, and what kinds of discursive formations did they bring forth? How do actors from local to national levels interpret this new component of the heritage regime, and how do actors within heritage-granting national and international bodies work it into their cultural and political agency? Which new relationships and networks unfold within the negotiation processes between different representatives of communities and those actors who think and act within UNESCO's "professional heritage enterprise" (Kirshenblatt-Gimblett 2004: 55). What is the role of experts and expertise, indeed, what counts as expertise and when is scientific knowledge expertise and when is it partisan, supportive matter in the nomination process of the future (in)tangible heritage of humankind? How do

bureaucratic institutions in the context of international and national cultural policy translate the imperative of participation into concrete practices? Are there new forms of constraint in the production of heritage?

The trilateral Vigoni workshops sought to address excerpts from this plethora of questions – questions which, as all critical heritage scholarship will concede, continue to multiply. At the inception of the workshops, the organizers planned to investigate the increasing complexity of the heritage field as a consequence of the mounting influence of UNESCO on national policies and local modes of conceiving "heritage." Several issues were to be addressed:

1) the relationship between territory and heritage with regard to the application of UNESCO heritage conventions, and
2) the new roles given by UNESCO to the different players of the heritage field and the various forms of interaction and negotiation enabled by UNESCO: communities and experts (both from the academic and administrative field).

Traversing one and two, participants also focused on the bureaucratic apparatus that translates heritage standards established at the international level into existing national heritage institutions. Investigating the bureaucracy of heritage making in different heritage regimes allowed us to seize the "creative frictions" (Tsing 2005) emerging in the process of translation of an international standard into diverse national legislative and institutional apparatuses.

This present collection draws from all three conferences, culling those papers most conducive to questioning the concepts of "participation" and "community" in the intangible heritage convention and unfolding further practical and theoretical issues entailed in implementing heritage conventions in general, from the innermost level of heritage decision making, including its legal interpretation, to their broader social, cultural and political meaning and impact, and to the role that scholarly expertise plays within the fray.

Community Conundrums

Positions regarding UNESCO's embrace of the participatory paradigm differ, much as positions across scholarly fields differ regarding heritage making as a cultural practice. Ellen Hertz writes poignantly both as a witness and participant in the Swiss introduction and implementation of the intangible heritage convention. She probes, with acknowledged discomfort, what can be meant by the "bottom" of a "bottom-up" approach embraced by the UNESCO decision making bodies. Outlining the conflicting goals of empowering communities or groups as idealized in UNESCO-speak, and noting the additional power bestowed upon what can only be regarded as top-down bodies of experts, Hertz traces the many confusions and ambiguities that arise in the implementation and administration of the intangible

heritage convention. Heritage administration, in her tracing, under the guise of empowering entirely new political entities, leads to a new encounter with citizens and citizen rights.

Hertz proceeds empirically, while suggesting that there is also need for a normatively oriented query. This is taken up in Stefan Groth's contribution. He shares Hertz's concerns, but approaches them from a different line of reasoning. In identifying a mismatch between collective rights, cultural heritage and legal philosophy in constitutional states, he locates one of the analytic difficulties in working with collective identities which, in turn, are foundational in heritage processes. Another tension lies in the desire to support and empower disadvantaged groups without, however, wishing to work with essentialist conceptions of culture. Focusing on subjective rights and dynamic social relations, Groth emphasizes individual choice – rather than collective identity – as crucial for the maintenance of (perhaps shared) cultural practices. This leads him to propose a reframing of heritage debates in terms of "recognition" – as used by Axel Honneth (1994) – which would reorient the analysis of claims for culture in the present.

But *who* is really claiming culture by using UNESCO's conventions? Michael di Giovine underscores a paradox at this point. His contribution starts by recalling the efficacy of UNESCO's heritage initiatives as a political project. Stepping outside of the intricacies of heritage governance at different levels of agency discussed and theorized in other contributions to this volume, di Giovine probes the extent to which UNESCO's conventions, declarations and associated programs succeed in reaching the organization's ultimate goal – world peace. He regards the revisions toward implementing increasingly participatory policies achieved as indicative of what he terms "the paradox of the World Heritage Program:" While having to rely on States Parties to acknowledge and ratify its conventions, UNESCO circumvents states by calling directly for individual participation. A further, though complex, step toward solidifying such a participatory ethic would be, in di Giovine's assessment, an open and productive acknowledgement of tourism and the role of individual tourists in embracing material and immaterial heritage as a shared responsibility.

Community, Participation and Territory from a Legal Perspective

The critical approaches of disciplines working and arguing ethnographically are only one discursive contribution in heritage implementation. The Vigoni program sought explicitly to analyze the participation paradigm within heritage making from an interdisciplinary perspective. In such an arrangement, interpretive perspectives confront the more normative approaches, which are, generally, also those drawn on by state and local bureaucracies in the implementation of heritage conventions. Legal expertise is, after all, what a polity draws on to explain and, in the process, contribute to the development and implementation of guidelines for any new legislation. Within the Vigoni conferences, we sought to understand the inner, discipli-

nary logics of each approach through discussion. Legal and anthropological scholarship follow quite different formal and rhetorical traditions in writing, even more so than in speaking. The implementation of international conventions is strongly patterned by the linguistic and formal habits of the legal tradition, not least because States Parties are generally represented by delegates with legal training. A normative perspective focuses on the degree to which heritage is endangered, whether its protection is necessary and which ways and tools (juridical, administrative and technical) are needed for the protection of such heritage. Critical – and this often means anthropologically informed – perspectives regard heritage as a political construction and point to the performative power of heritage policies. In analyzing the difficult relationship between heritage law and heritage studies, Lucas Lixinski (2015) makes a distinction between orthodox and heterodox approaches to law and heritage. He underscores the synergies between heterodox heritage studies and heterodox heritage law. While, Lixinski argues, orthodox approaches in both fields tend to rely on the "goodness" of heritage, heterodox approaches consider heritage as a means through which identity is negotiated and power relations are established. From this vantage point, heritage protection has less to do with the danger of losing heritage, but more to do with the political uses of heritage selection. A "fair" dialogue between the two disciplines is only beginning (Calafat, Fossier, and Thévenin 2014), and to integrate anthropological and legal expertise would require additional work that would allow critical claims to be articulated in legal language and, thus, perhaps have an impact on heritage institutions and policies. This might happen with regard to the three notions on which the Vigoni workshops focused: territoriality, participation and community.

Territoriality is addressed by Benedetta Ubertazzi's contribution. Drawing on cases argued at an Intangible Cultural Heritage Convention Committee Meeting, she illustrates the difficulties entailed in interpreting the prescriptive formulations in heritage conventions. The language of the Convention and the subsequent operational guidelines propose strictures concerning who may nominate a cultural tradition with regard to territoriality. Though UNESCO has been encouraging multistate nominations, the formal strictures with regard to territory are such that too many practical hurdles stand in the way. Furthermore, the committee itself resorts to decisions in its deliberations which, from a legal perspective, are not always lawful.

Sabrina Urbinati shows the increasing importance of the idea of participation of communities in international law, while underscoring that "participation" takes different forms: in the adoption of decisions and measures, in the elaboration of international instruments, in the implementation of the latter or in the sharing of benefits resulting from the implementation of an international instrument. In the process, she sheds light on the juridical notion of community. She points out that the existence of communities is a question of fact in the legal perspective; it is not a question of law. Social scientists, however, following a constructivist approach,

consider communities as the result of policy intervention, such as those aiming at the safeguarding of intangible heritage, which involve the identification and definition of a "heritage community."

Finally, Lauso Zagato takes on the concept of "heritage community" as introduced by the Framework Convention on the Value of Cultural Heritage for Society (known as Faro Convention) of the Council of Europe. He argues that the idea of a heritage community, namely "people who value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generations" (Council of Europe 2005, art. 2), is central to the right to cultural heritage, namely a right of involvement in heritage making. A rapprochement between UNESCO's intangible heritage convention and the Faro convention would allow an understanding of the notion of "communities and groups" present in the UNESCO convention as "heritage community," thus strengthening the participatory potential of the UNESCO convention.

Cultural Values and Community Involvement beyond UNESCO

Several contributions in the volume focus on questions of community participation outside UNESCO's authorized heritage discourse (cf. Smith 2006). Cyril Isnart, in his case study on Catholic heritage construction in Rhodes, argues that heritage serves to produce a coherent religious community discursively. Alternative heritage discourses have the function here to make a religious minority outside the official cultural policy graspable. Similarly, Monika Salzbrunn interprets the production of local heritage as a strategic tool. In her example of the village Saint-Louis Sainte-Marthe in Paris, she shows how different local actors react to transformations in the urban infrastructure through and within festive events. Here, residents built specific communities of interest – what Erving Goffman would name "focused gatherings" (1963) – in order to protect buildings in their immediate neighborhood from bigger urban de- and reconstruction plans. Salzbrunn casts this claim for tangible and intangible heritage as a reaction to a local crisis – a model which may be found within and without the UNESCO heritage regime.

Jean Louis Tornatore, Noël Barb and Marina Chauliac recount their experience with the Ballons des Vosges Regional Nature Park. They suggested that the Park administrators use the Intangible Cultural Heritage Convention as a tool for public action so as to involve the local population in the process of nominating and assigning heritage value. The process of "participation" of "communities" itself, rather than the concrete results of this process, is the most interesting part of the experience. The authors describe the complex process of deliberation through a citizens' jury system and underline how their role as social scientists in this context shifted from that of content specialists with documentary expertise to that of guides with participatory expertise aiming at strengthening the authority of social actors involved in the participatory process. The heritage elements identified by such a shared expertise engaged the inhabitants, public officers, political actors and

heritage experts. It can be regarded as a resource in facing local needs for environmental protection and economic development. Participation appears here to be the result of a complex apparatus requiring consistent support in order to be performed. Just as "community" does not appear to be "natural," "participation" does not appear to be self-implementable. Without such a complex apparatus and effort in promoting participation, participatory heritage policies produce few results, as also demonstrated in the Swiss case analyzed by Ellen Hertz.

Regina F. Bendix, in her contribution, seeks to integrate the heritage complex, including the facets of "community" and "participation," into the broader history and range of the supporting and sponsoring of culture. She places heritage support alongside age-old practices of patronage, and investigates the power of individual as well as programmatic sponsorship to bring forth, maintain, protect and preserve culture. Patrons share a practice, but hardly form a community; their impact on which aesthetic forms and practices are valued and receive recognition has been formidable throughout recorded history. The heritage regime, argues Bendix, constitutes a relatively recent factor in the valorization of cultural forms and adds to the shifts in seemingly established canons of what is "worthy" culture.

Reflections on Heritage Experts and Decision Makers

The field of heritage making overlaps with anthropological expertise, a truism that surfaces repeatedly in many of the contributions to this volume. Anthropologists and ethnologists are part both of the heritage regime and heritage communities in their role as researchers and expert advisors, as well as through their production of heritage scholarship, which, in one way or another, becomes part of the heritage assemblage. Nicolas Adell recounts his experience as an "academic consultant" in the drafting of the nomination of "Compagnonnage, network for on-the-job transmission of knowledge and identities," inscribed on the Representative List of Intangible Cultural Heritage in 2010. He argues that the need to demonstrate the "participation" of the "community" paradoxically encourages top-down processes. The French Ministry of Culture regards it as important that the mediations between different actors (national civil servants, academics and "heritage bearers") be highlighted. The representations of *compagnonnage* produced in those meetings are oversimplified in order to fit the nomination mould. The actual and sincere engagement of "heritage bearers" in the nomination process, however, entails a high degree of conflict and disagreement among diverse points of view. Demonstrating the "participation" of "community" becomes, thus, a rhetorical exercise requiring simplification in order for a "community" to speak with one voice.

Chiara Bortolotto has been an observer at the meetings of UNESCO's Intangible Heritage Committee for a number of years. In her article, she interweaves critical insights of the decision making processes witnessed as well as of her own role as both an involved and an observing anthropologist. Anthropologists, as cultural experts, often find themselves as go-betweens among different groups of ac-

tors and institutions involved in heritage making, and Bortolotto addresses the methodological and ethical issues this raises. Being both an agent in and an observer of the processes of heritage policy implementation, she foregrounds here – as does Hertz latently in her contribution – the additional dimensions of "participation" which are not captured in UNESCO's operational guidelines.

Christoph Brumann draws on his participant observation of the statutory meetings of the World Heritage bureaucracy. From this vantage point, the growing call for empowering communities, indigenous or otherwise, in the World Heritage arena remains an empty claim. In fact, even in the rare situations where site communities access the UNESCO intergovernmental forum, they play mainly a decorative role. Only state delegates (diplomats and state-selected heritage experts) have a voice in the debate with their peers. This debate, in turn, demonstrates how securing one another's sovereignty is each States Party's primary concern. Brumann argues that, ultimately, the most powerful community of practice is the one composed of the state representatives attending World Heritage committee meetings: It is the only community that really has an influence on international decision making.

The volume concludes with Markus Tauschek's suggestion to empirically observe and analyze the shaping of community in the heritage field through the instruments and vocabulary of the actor-network theory. Drawing on excerpts from three cases involving Belgian components, he finds that "community" comes about and succeeds or fails through different modes of assembling and discursively representing that which is to be turned into heritage. Working through such a Latourian lens, Tauschek also sees an opportunity to overcome the generally constructivist critical heritage approach and to integrate the agency of scholars themselves within the heritage assemblage.

*****

Christoph Brumann differentiated between heritage believers, heritage atheists and heritage agnostics in an earlier article (2014), and the Vigoni meetings brought together representatives of these different groups. Several papers in this volume are examples of academic engagement in heritage making and in heritage policy making, and provide evidence of a scholarly, multidisciplinary "will to improve" (Li 2007). The tension between personal convictions, local and professional engagement as experts, and scientific analysis are not easy for some authors to bridge. The contributions of this volume also constitute further extensions of the UNESCO heritage assemblage. The materials discussed and presented here through case studies, theoretical reflections or legal considerations may serve as evidence for the necessity of interdisciplinary dialogue. However, they also affirm, perhaps with particular poignancy given the highly political and politicized field of heritage, the enormous challenge of engaged research. It is a challenge, as Bortolotto states in concluding her paper, that is good to think about, and it is a challenge reaching far beyond the heritage field.

References

Anderson, Benedict (1983): Imagined Communities: Reflections on the Origin and Spread of Nationalism. London: Verso.

Appadurai, Arjun (2013): The Future as Cultural Fact. Essays on the Global Condition. London: Verso.

Banks, Marcus (1996): Ethnicity. Anthropological Constructions. London: Routledge.

Barth, Fredrik (1969): Ethnic Groups and Boundaries. Boston: Little, Brown and Co.

Bauman, Zygmunt (2000): Liquid Modernity. Cambridge: Polity Press.

Baumann, Gerd and Andre Gingrich (2004): Grammars of Identity/Alterity. A Structural Approach. New York: Berghahn.

Bellier, Irène (2013): "We indigenous peoples ...": Global activism and the emergence of a new collective subject at the United Nations. *In* The Gloss of Harmony: The Politics of Policy-making in Multilateral Organisations. Birgit Müller, ed. Pp. 177–201. London: Pluto Press.

Blake, Janet (2009): UNESCO's 2003 Convention on Intangible Cultural Heritage. The implications of community involvement in 'safeguarding.' *In* Intangible Heritage. Laurajane Smith and Natsuko Akagawa, eds. Pp. 45–73. London/New York: Routledge.

Boltanski, Luc and Ève Chiapello (2007): The New Spirit of Capitalism. London, New York: Verso.

Brumann, Christoph (2014): Heritage agnosticism: A third path for the study of cultural heritage. Social Anthropology 22(2): 173–188.

Calafat, Guillaume, Arnaud Fossier and Pierre Thévenin (2014): Penser avec le droit. Tracés 27 (special issue).

Carneiro da Cunha, Manuela (2009): Cultura com Aspas. Sao Paulo: Cosac Naify.

Ciarcia, Gaetano (2006): La perte durable: Etude sur la notion de patrimoine immaterial. Paris: Lahic/Mission Ethnologie.

Comaroff, John L. and Jean Comaroff (2009): Ethnicity, Inc. Chicago: University of Chicago Press.

Cooke, Bill and Kothari Uma, eds. (2001): Participation: The New Tyranny? London & New York: Zed Books.

Coombe, Rosemary J. (1998): The Cultural Life of Intellectual Property. Authorship, Appropriation, and the Law. Durham: Duke University Press.

Council of Europe (2005): Framework Convention on the Value of Cultural Heritage for Society (Faro, 27 October).

Eriksen, Thomas Hylland (2002): Ethnicity and Nationalism. 2nd ed. London: Pluto Press.

Gingrich, Andre and Marcus Banks, eds. (2006): Neo-Nationalism in Europe and Beyond. Perspectives from Social Anthropology. Oxford: Berghahn.

Goffman, Erving (1963): Behavior in Public Places: Notes on the Social Organization of Gatherings. London: Free Press.

Groth, Stefan (2012): Negotiating Tradition. The Pragmatics of International Deliberations on Cultural Property. Göttingen Studies on Cultural Property, Vol. 4. Göttingen: Göttingen University Press.

Hafstein, Valdimar (2004): The politics of origin. Collective creation revisited. Journal of American Folklore 117: 300–315.

Hall, Stuart and Paul Du Gay, eds. (1996): Questions of Cultural Identity. London: Thousand Oaks.

Honko, Lauri (1982): UNESCO Work on the Safeguarding of Folklore. NIF Newsletter 10(1-2): 1–5.

Honko, Lauri (1989): The Final Text of the Recommendation for the Safeguarding of Folklore. NIF Newsletter 17(2-3): 3–12.

Honko, Lauri (1990): Recommendation on the Safeguarding of Traditional Culture and Folklore adopted by UNESCO. NIF Newsletter 18(1): 3–7.

Honko, Lauri (2013[1988]): Studies on tradition and cultural identity. An introduction. *In* Theoretical Milestones. Selected Writings of Lauri Honko, Pekka Hakamies and Anneli Honko, eds. Pp. 303–322. Helsinki: Academia Scientiarum Fennica.

Honneth, Axel (1994): Kampf um Anerkennung: zur moralischen Grammatik sozialer Konflikte. Frankfurt am Main: Suhrkamp.

Kirshenblatt-Gimblett, Barbara (2004): Intangible heritage as metacultural production. Museum International 56: 52–65.

Kuutma, Kristin (2009): Who owns our songs? Authority of heritage and resources for restitution. Ethnologia Europaea 39(2): 26–40.

Labadi, Sophia and Colin Long, eds. (2010): Heritage and Globalisation. London: Routledge.

Lave, Jean and Etienne Wenger (1991): Situated Learning: Legitimate Peripheral Participation. Cambridge: Cambridge University Press.

Leal, Pablo Alejandro (2007): The ascendancy of a buzzword in the neo-liberal era. Development in Practice 17(4/5): 539–548.

Li, Tania (2007): The Will to Improve: Governmentality, Development, and the Practice of Politics. Durham: Duke University Press.

Lixinski, Lucas (2015): Between orthodoxy and heterodoxy: the troubled relationships between heritage studies and heritage law. International Journal of Heritage Studies 21(3): 203–214.

Müller, Birgit (2013): Introduction: Lifting the veil of harmony: Anthropologists approach international organizations. *In* The Gloss of Harmony: The Politics of Policy-making in Multilateral Organisations. Birgit Müller, ed.: 1–20. London: Pluto Press:

Noyes, Dorothy (2006): The Judgement of Solomon: Global protections for tradition and the problem of community ownership. Cultural Analysis 5: 27–56.

Oakley, Peter et al. (1991): Projects with People. The Practice of Participation in Rural Development. International Labour Office (via Intermediate Technology Publishing, London).

Smith, Laurajane (2006): Uses of Heritage. London: Routledge.

Tauschek, Markus (2013): Kulturerbe. Eine Einführung. Berlin: Reimer.

Taylor, Charles (1989): Sources of the Self. The Making of Modern Identity. Cambridge: Harvard University Press.

Tsing, Anna (2005): Friction: An Ethnography of Global Connection. Princeton: Princeton University Press.

UNESCO (2003): Convention for the Safeguarding of Intangible Cultural Heritage. http://www.unesco.org/culture/ich/index.php?lg=en&pg=00006 <accessed July 12, 2014>

Wenger, Etienne (1998): Communities of Practice. Learning, Meaning, and Identity. Cambridge: Cambridge University Press.

Yúdice, George (2004): The Expediency of Culture: Uses of Culture in the Global Era. Durham: Duke University Press.

Community Conundrums

Bottoms, Genuine and Spurious[1]

Ellen Hertz
University of Neuchâtel

1 Introduction

Over the course of the past forty years, the concept of participation has profoundly modified the discourse and practice of international and national policy-making and implementation, in areas as different as urban planning and community development (Arnstein 1969; Cornwall 2008), humanitarian aid (Hinton 1995), the environment (Eden 1996) and international development (World Bank 1996; Michener 1998; Botchway 2001). The participatory approach is at the center of a semantic field filled with familiar if vague notions: "engagement," "ownership" and "empowerment," are the desired or imagined results of administrative and political processes that range from "capacity building" and "consultation" to the use of "focus groups," "lay experts" and "hybrid forums" in the formulation and applica-

---

[1] Younger readers might not recognize this reference to Edward Sapir's famous article "Culture, Genuine and Spurious" (1924). In it, Sapir characterizes culture as one of a set of concepts that "label vague terrains of thought that shift or narrow or widen with the point of view of whoso makes use of them, embracing within their gamut of significance conceptions that not only do not harmonize but are in part contradictory" (Sapir 1924: 401). Much the same proviso applies to the concept of "the bottom," as I hope to demonstrate.

tion of policy. Indeed, the notion of participation has become so widespread and unavoidable that some authors speak of it as "the new tyranny" (Cooke and Kothari 2001), an ideology that serves to mask political interests and smooth over controversy by appealing to an unimpeachable political subject – "the community" – and a seemingly self-executing mode of administration – "the bottom-up approach."

By all accounts (Seitel 2001; Blake 2009; Bortolotto 2011; Urbinati 2012; Berliner and Bortolotto 2013; Brumann in this volume), the brandishing of bottoms in the area of heritage policy began with the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (hereinafter: ICH Convention), for it is the ICH Convention and the discussions leading up to its formulation that led UNESCO into a full-body embrace of the participatory paradigm. Eschewing expert-based determinations of the content and value of cultural heritage, the ICH Convention promotes a "bottom-up" approach in which "communities, groups or, if applicable, individuals" (UNESCO 2003: passim) are held to be the principal actors in decisions about what is important, endangered and worth safeguarding in the area of ICH. Without resolving all of the questions raised by this new paradigm, the UNESCO Secretariat has given considerable thought to what "participation" means in the context of ICH, soliciting the impressively complex document entitled "Expert Meeting on Community Involvement in Safeguarding Intangible Cultural Heritage: Towards the Implementation of the 2003 Convention" (hereinafter: Expert Report on Community Involvement) (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006).

The present contribution is a product of my discomfort over the way in which these notions apply (or fail to apply) to the area of ICH in general, and in Switzerland, the context I know best, in particular.[2] By ratifying the ICH Convention in 2008, Switzerland signed on to this program of participatory politics in the area of cultural heritage, and its cultural authorities have taken the idea of a "bottom-up" approach to the constitution of the national inventory of ICH quite seriously. However, neither at the international level nor in Switzerland is it entirely clear what the common-sense phrase "bottom-up" means or implies. Concretely put, while the institutions and people who occupy "the top" in Switzerland are relatively identifiable (officials responsible for cultural policy at the cantonal and federal levels, and the experts they consult), it is simply not clear who counts as "the bottom." Thus, the initial cause of my discomfort was empirical and practical:

---

[2] In the interests of reflexivity, I should state at the outset that I have been both actor and observer in Switzerland's implementation of the ICH Convention. How this double role has affected my conclusions should become clear over the course of this article. However, as a general statement, it would be fair to say that my initial reaction was hostility, and while that position has been largely softened by my appreciation of the complexities and ambiguities of this process, I have not entirely shed my initial doubts about the ICH Convention's legitimacy, intellectual coherence and usefulness (see Hertz forthcoming).

Where, precisely, is "the bottom," and what kind of life form might it represent? Who can legitimately claim to be there or it, and what must they do to remain so? If "bottoms" are the opposite of "tops," does being a bottom simply mean being the opposite of a government official or expert? But what is the opposite of an official or expert? Must one demonstrate powerlessness or ignorance? And what if, through the very process of promoting ICH, one's influence and expertise increase? Does one then cease to be a legitimately representative of "the bottom?"

As I probed these questions, my discomfort became more systemic. Switzerland can rightly pride itself on the multiplicity of its democratic institutions. In this context, adding another layer of "participation" to the repertoire of political procedures, particularly as applied to the safeguarding of heritage and traditions, could seem unnecessary. What does the ICH Convention mean by "participation" over and above the many ways in which Swiss citizens are already encouraged by law and by their political institutions to participate in the governing of their country? The constant references throughout the ICH Convention, as well as their guidelines, publicity material and working papers, to "the community, group or, if applicable, individuals" only make things more complicated. Who are these people if not simple citizens? What are the differences between these collective entities and individuals, and, since human beings are all individuals in the end (or at the beginning), what does "applicable" mean in UNESCO-speak? Do these communities-groups-or-if-applicable-individuals (hereinafter: CGoiaIs) represent a different kind of "bottom," more legitimate than mere inhabitants empowered to vote, sign initiatives, oppose new construction, create associations, or request money from cultural authorities?

In this chapter, I will explore some of the conceptual and procedural conundrums that the ICH process has made visible in Switzerland, for I believe that this small and peculiar country represents an ideal case for shedding light on the political and ideological blindspots of the participatory paradigm. My guiding question is the following: What is the relation between the participatory paradigm and good-old-fashioned citizenship? Put otherwise, by encouraging the participation of CGoiaIs in the constitution and management of ICH, is Switzerland simply encouraging more citizen involvement in cultural activities, or is it empowering entirely new political entities to play a key role in the cultural governance of this country? I hope to answer these questions empirically, but they clearly suggest another, normatively oriented question that I will leave open for further discussion: If the ICH Convention has the effect of creating and legitimating new cultural actors, is this a desirable outcome, and has it been arrived at through procedures that respect the "free, prior and informed consent" of Swiss citizens?

In exploring these questions, I will draw on the analysis of "the social base of folklore" proposed by Noyes (2012) in her useful entry in *A Companion to Folklore* (Bendix and Hasan-Rokem 2012) for, I argue, the implicit conceptual framework that guides our understanding of "the bottom" is largely identical to folklore scholars' centuries-old attempts to understand where and what "the folk" is or are.

Following Bauman (1971), Noyes identifies three main paradigms for conceptualizing the folk. The first of these – call it the "foundational conception" – locates the folk at "the deepest stratum of social life, flattened and superseded by the historical, hierarchical, or institutional overlay of modernity" (Noyes 2012: 14). Foundational folk are essentially innocent: Unsullied by institutions or other mediating forms, uncontaminated by self-consciousness, they are always already there, simply going about the business of being.

In a second paradigm – let us call it the "relational conception" – the folk takes the form of communities that "assert or maintain [their] differential being against external pressures" (Noyes 2012: 15). Relational folk do not have quite the innocence of their foundational brethren: They are not always already there but actively, even contentiously so.[3] However, as this conception has developed historically over the course of the 19th century, it has mainly indexed marginalized, stigmatized or oppressed collectivities, the by-products of processes of modernization, urbanization and colonization. Thus, their attempts to consolidate themselves through collective investment in the "cultural stuff" (Barth 1969) that distinguishes them from their neighbors – their attempts, in short, to portray themselves as foundational folk – are often ennobled by the violence and inhumanity of the (internal or external) colonial encounter.

Finally, more recent scholarship has argued for a "performative conception," defining the folk as that which is produced through its diverse vernacular expressions and performances in the "contingencies of a situation it seeks to transform" (Noyes 2012: 15). Performative folk represent another kind of innocence, the innocence of fluidity, dynamism and evanescence, in which doing has ontological priority over being. However, as Noyes points out, the "contingency" of the performative turn in folklore studies has called into question the notion that there exists "[a truly] isolable object", a collectivity that is simply "out there," independent from practice or performance itself (ibid.). In sum, performative folk may not be folk at all, a problem I will return to below.

As I hope to demonstrate, the confusion and ambiguities in the administration of ICH reflect vacillating engagements with each of these conceptions. Furthermore, none of them quite explains how ICH actually plays itself out in Switzerland. As intimated, I argue that it is only by introducing another, non-folkloristic figure of "the bottom" – the citizen, in all her interest-based, ill-informed partiality

---

[3] On this point, it is to be feared that the post-colonial, UNESCOesque celebration of "cultural diversity" has blinded us to the problematic relationship between ethno-cultural differentiation and social conflict, even warfare. In his famous talk "Race et Culture", commissioned by UNESCO in 1971 to inaugurate the "International Year for Action to Combat Racism and Racial Prejudice", Lévi-Strauss (1971) made this point in no uncertain terms: "on doit reconnaître que cette diversité culturelle résulte pour une grande part du désir de chaque culture de s'opposer à celles qui l'environnent, de se distinguer d'elles, en un mot d'être soi." For a vigilant, universalist approach to ICH that attempts to avoid this trap, see Lucas and Bisou 2012.

(Lippmann 2009 [1927]) – that we can gain purchase on the form and function of ICH in democratic societies.

I begin with a brief overview of UNESCO's embrace of the "bottom-up" paradigm, highlighting, as others have before me, some of the difficulties it raises, both conceptually and practically. I will then propose a (scandalously) schematic analysis of Switzerland's deep structural attachment to "bottoms," outlining two related but different semantic fields historically evoked by this idea, one "foundational," the other "relational." When applied to our analysis of how the ICH Convention was implemented in this country, we find traces of these "bottoms" but few fully fledged materializations. I will demonstrate this through an in-depth examination of how ICH inventorization was accomplished in a canton that is said to have undertaken a genuinely "bottom-up" approach. What emerged in this process was rather a mixture of "relational" and "performative" bottoms, and more importantly, collectivities of just plain old citizens. I will conclude by examining the implications of this surprise encounter with citizenship for ICH administration in democracies.

2 Conceptualizing Participation in ICH Directives

It has become commonplace to point out that the ICH Convention is the first of the UNESCO Conventions that places the "participation" of "communities, groups or if appropriate, individuals", along with their "free, prior and informed consent", at the center of its scheme for the safeguarding of cultural heritage worldwide.[4] Article 15 of the ICH Convention explicitly recommends a participatory approach[5] and Articles 2.1, 11, 12 and 13 make reference to the centrality of "communities, groups and, where appropriate, individuals" in the operationalization of ICH (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 7). One of the clearest indications of this centrality is the decision not to adopt a so-called "objective" standard of value for ICH, to be applied by expert agencies. This orientation is in stark contrast with the 1972 World Heritage Convention that stipulates, in Articles 1 and 14.2, respectively, that protected World Heritage meet the standard of "outstanding universal value" and that the Director-General of UNESCO be assisted in the preparation of all necessary documents by experts

---

[4] Brumann (2013) argues that the participatory paradigm of the ICH Convention has had spillover effects on the entire architecture of heritage protection at UNESCO. He focuses on the changing administrative practices surrounding the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage, in which an increasingly anthropological understanding of world heritage has led to greater attention paid to the intangible aspects of material heritage, sites and landscapes, and thus to the groups who practice or are affected by this heritage in various ways.

[5] "Article 15 – Participation of communities, groups and individuals. 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, and to involve them actively in its management." (UNESCO 2003).

from the International Center for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council of Monuments and Sites (ICOMOS) and the International Union for the Conservation of Nature (IUCN).[6] Another indication of the centrality of the participatory framework is the mandatory use of informed consent forms in the constitution of files to be presented for inclusion on the two UNESCO lists of ICH,[7] the forms serving implicitly as a kind of guarantee or testimony that at least a minimal form of participation – consisting in being (ideally) well informed and signing a document – was respected. Notably, these forms are made available not only to the Intergovernmental Committee that evaluates submissions but also to the public at large, thereby materializing the presence of certain (kinds of?) humans in the creation, recognition and valuing of ICH, as represented by the hand-penned signatures of those who have been assigned the role of "bearers" of heritage within the international arena.[8]

The fixedness of the phrases "community, group or, if applicable, individuals" and "with their free, prior and informed consent" – no synonyms, approximations or shortcuts are in evidence – and the repetitive and mechanical quality of their use within both the ICH Convention and the Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage (hereinafter: ODs, see note 8) suggest that the reader of these documents is face-to-face with a real live legal fiction, a phrase that has been "coined" over the course of laborious negotiations between State parties and UNESCO staff so that it can circulate as currency in international exchange, allowing its users to gain purchase on certain kinds of entities legitimated by the international normative framework (Hertz 2010: 5, note 8; see also Groth 2012). These phrases are notably central in the ODs, suggesting that they are crucial not only to the conceptual scheme set forth by the ICH Convention but also to its operationalization. CGoiaIs must be the object of "functional and complementary cooperation" (ODs Article 79), their participation must be facilitated by a "consultative body or a co-ordination mechanism" allowing them to identify, define, and draw up inventories of ICH, elaborate and implement programs, projects and activities, prepare nomination files, remove elements from lists and transfer them from one list to another (ODs Article 80). CGoiaIs must be "sensitized" to the value and importance of

---

[6] For the full text of the Convention, see http://whc.unesco.org/en/conventiontext/ <accessed April 20, 2014>.

[7] The requirement of "free, prior and informed consent" appears in four places in the UNESCO Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage (for full text, see http://www.unesco.org/culture/ich/en/directives <accessed April 20, 2014>).

[8] For a touching example of an apparently "bottom-up" procedure, consult the documents listed under the rubric willfully entitled "consent of communities", to be found at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00400 <accessed April 20, 2014>. For a glimpse into something that feels quite different (though a "reception" study would be necessary) see http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00437 <accessed April 20, 2014>.

their ICH (ODs Article 81); they should have their capacities built (ODs Article 82); their access to research on ICH facilitated (ODs Article 85); and they should be encouraged to form networks amongst themselves (ODs Article 86). Indeed, they may even be invited to participate in meetings of the Intergovernmental Committee within the limit of available resources (ODs Article 89). However, a closer look at the ODs, taken in conjunction with the interpretation provided by the Expert Report on Community Involvement (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006), the product of a series of meetings convened in Tokyo in 2005–2006 in order to prepare the ODs, brings to light a number of important discrepancies between this conceptual framework and its operational mechanisms.

3   The Social Base of CGoiaIs

As mentioned above, the functional equivalent of experts in the ICH paradigm are explicitly CGoiaIs. Notably, however, the ODs also mention two other types of actors (beyond State parties, Commissions and the Secretariat) who have a role to play in the operationalization of this paradigm: On the one hand, "experts, centres of expertise and research institutes" (ODs Articles 79–89); on the other hand, non-governmental organizations (ODs Articles 90–99) which, while they are not them-selves "communities" in the sense outlined above, nonetheless possess "a regular active membership", which forms "a community linked by the desire to pursue the objectives for which [the NGO was] established" (ODs Article 91(e)i). This is the clearest sign that the ICH Convention is not, strictly speaking, a purely CGoiaIs-based affair. Rather, as Bortolotto has pointed out (Bortolotto 2012), while its legitimating ideology and many of the operational mechanisms of the ICH Con-vention may be "bottom-up" in tone, the ICH Convention allows for and even requires a number of "top-down" interventions that it does not thematize as such. This is confirmed by the Expert Report on Community Involvement, which ex-plicitly concludes that while "the practitioners and custodians of ICH must play a central role in safeguarding measures, […] top‑down and bottom‑up approaches are equally indispensable for designing and implementing measures at the national and the international level." (UNESCO and Asia/Pacific Cultural Centre for UNESCO, 2006: 8).

   Once it is acknowledged that CGoiaIs are central to the idealized model of ICH set forth in the ICH Convention but not necessarily to its implementation, the co-presence of "top-down" and "bottom-up" approaches to ICH, as expressed through in the ODs, becomes glaringly obvious. Under the heading "Participation in the implementation of the Convention," Article 79, for example, makes a finally rather weak recommendation: "the Committee encourages States Parties to estab-lish functional and complementary cooperation among communities, groups and, where applicable, individuals who create, maintain and transmit intangible cultural

heritage, *as well as experts, centres of expertise and research institutes"* (emphasis added). How priority or relative legitimacy is divvied up amongst these different actors in the case of disagreement or conflict is not specified, and seems not even to be imagined as a potential area for clarification. While the creation of "bodies" and "mechanisms" is encouraged (ODs Article 80), no procedures are suggested, much less imposed, to regulate their functioning or interaction. Clearly, in cases where states are "sensitizing" CGoiaIs to the importance and value of their ICH (ODs Article 81), we are in the presence of ICH that has been identified as such by instances operating upstream from the CGoiaIs thought to be at its origin.[9] How, one should ask, can states or experts know what this ICH is without prior notification by its "bearers," the only actors legitimately in the position to declare that this heritage provides them with "a sense of identity and continuity" (ICH Convention Article 2)? "Capacity building" programs to promote community awareness and recognition of their ICH (ODs Article 82), along with research conducted by experts and exchange amongst experts and "communities" (ODs Articles 83–86), pose some of the same problems in less acute form. Finally, the involvement of non-governmental organizations opens another can of worms: What exactly are we to understand by the "advisory capacity" that these NGOs are requesting accreditation in order to exercise? And why must they too take the form of a "community linked by the desire to pursue the objectives for which it was established" (ODs Article 97)?

The conundrums into which this hybrid top-down/bottom-up paradigm leads us become even more patent when one analyzes the valiant attempts to think them through evidenced in the 2006 Expert Report on Community Involvement.[10] This report, produced by a well informed and theoretically sophisticated group of experts (anthropologists, folklorists, museum curators and heritage administrators and practitioners from various social backgrounds), sets out to clarify who exactly populates the "bottom" invoked in the term "bottom-up," and to provide operational definitions of its basic social forms. It takes us to the heart of the contradictions within the ICH participatory framework, reflecting different conceptualizations of "the folk," as outlined above.

The Expert Report on Community Involvement begins by emphasizing the importance of avoiding "fixist" or essentialist definitions of CGoiaIs, in keeping with its view that "ICH safeguarding is to focus on practices and processes rather

---

[9] This is true also of the complicated relations between state, experts and CGoiaIs in the series of articles concerning "raising awareness" about ICH (ODs Articles 101–102), intellectual property rights (ODs Article 104) and public information (ODs Article 105).

[10] These meetings were headed up by Rieks Smeets, who was to become the first Chief of UNESCO's Intangible Cultural Heritage Section. However, as Chiara Bortolotto points out (personal communication), the role of experts in suggesting how Conventions are applied is complicated by the fact that States are not bound by the recommendations that these cultural experts elaborate. The influence of this Expert Report thus remains unclear: while it most probably influences the understanding of the UNESCO Secretariat, it is not necessarily referred to or used by the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, the only body authorized to make decisions about the Convention's application.

than on products" (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 8), and that it is important to avoid "static" (ibid.: 9) definitions of terms that fail to take into account the dynamic nature of ICH. Accordingly, the experts suggest "focusing on the ICH as the common element for defining *community, group* and *individual* for the purposes of the Convention. The resulting definitions were to be flexible tools." (ibid., emphasis in the original). Importantly, this approach implies that CGoiaIs have no existence independent of the particular item of ICH under consideration, an approach that reflects a performative conception of CGoiaIs in which cultural expression, practices and know-how have ontological priority over the group. However, this conception clearly runs counter to other key formulations in the ICH Convention that are foundational in nature, as exemplified by the reference to CGoiaIs' "environment, their interaction with nature and their history" in Article 2. And the contradictions do not end here, as becomes obvious when the Expert Report attempts to probe the precise nature of CGoiaIs and provide a way to understand the structure of the "bottom."

The Report notes that the key terms of the ICH Convention that are "community," "group" and "where applicable, individuals" are always listed in the same order, implying both "a hierarchy between communities, groups and individuals" and "features that […] distinguish them" from one another (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 8-9). Interestingly, this (legally motivated) reading of the language of the ICH Convention suggests that there are bottoms and bottoms, and that some are conceptually "on top" of others, though what this means operationally is not clarified. "Communities" was taken to be the most inclusive term of the three, including both practitioners of ICH and individuals for whom this tradition provided a sense of "belonging together, or a sense of identity, based on shared ICH" (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 9), whether or not they take an active part in its practice or possess specific knowledge in relation to it.[11] The "group" was defined as a "subset" of the community or, after due consideration by the experts, as the "network" of people maintaining an active relation to the practice of the ICH in question. As such, a group was conceived as "composed of people in a community that perform specific roles in the practice and transmission of ICH such as tradition bearers, performers or custodians" (ibid.).[12] As for "individuals," they are single people

---

[11] The full definition is as follows: "Communities are networks of people whose sense of identity or connectedness emerges from a shared historical relationship that is rooted in the practice and transmission of, or engagement with, their ICH." (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 9).

[12] "Groups comprise people within or across communities who share characteristics such as skills, experience and special knowledge, and thus perform specific roles in the present and future practice, re-creation and/or transmission of their intangible cultural heritage as, for example, cultural custodians, practitioners or apprentices." (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 9).

playing the same role as groups, and like groups, they may operate within or across a number of "communities" simultaneously.[13]

Apparently, two different logics of legitimacy are at work here: The community is legitimate because it is the locus of the "sense of identity" that stems from "shared ICH" (a foundational or relational conception of the bottom); groups and individuals draw their legitimacy, on the other hand, from their special skills, experience and knowledge (a performative conception). Which form of legitimacy trumps the other in cases of conflicting interpretations of ICH remains an open question: The Expert Report on Community Involvement hints that communities are "higher" than groups or individuals, but in a situation emphasizing the importance of the "bottom," perhaps height is a disadvantage.

And the picture is even more complicated than this already complicated analysis suggests. If we imagined that the relations between communities, groups and individuals could be understood through a standard territorialized matryoshka image of social organization (Gupta and Ferguson 1992) – a community includes but is larger than a group, which is in turn larger than and includes the individual – we would have been mistaken. Communities are defined as a social form: "Networks," potentially linking people from different territories, with different interests and who occupy very different roles in relation to a given item of ICH. Groups, on the other hand, are defined functionally: They are comprised of "people" (individuals?) from a single or many communities ("across communities," or networked communities?) who "perform specific roles" in relation to the item of ICH under consideration. And individuals, it turns out, far from being the building blocks of these collective forms, are simply one-man groups.

Aside from the ad hoc nature of these definitions, a number of difficulties are in evidence. For example, how are these different social entities related to the key concept of the "environment" mentioned in Article 2 of the ICH Convention, which would seem to link these social units to specific territories and/or ecosystems? Does the ICH Convention have concrete territories in mind, or are the "environment," "nature" and "history" mentioned in Article 2 to be understood as socially constituted, a non-"fixist" social space within which the particular item of ICH is practiced? In other words, are CGoiaIs rooted in history, ethnicity and historically constituted relations to land and natural resources (a foundational or relational conception), or are they ephemeral communities of performance and practice that need not lie within historically determined boundaries between historically determined groups (a performative conception)?

---

[13] "Individuals are those within or across communities who have distinct skills, knowledge, experience or other characteristics, and thus perform specific roles in the present and future practice, re-creation and/or transmission of their intangible cultural heritage as, for example, cultural custodians, practitioners and, where appropriate, apprentices." (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 9).

These questions might seem nit-picky or theoretical, but they have concrete implications for who decides what in a given situation. If it is the ICH that defines the community and its "environment," then mere spectators, tourists for instance, have a major role to play in its constitution. But most likely, these tourists have come to watch a demonstration of ICH, and to marvel at the community that practices it, precisely because they do not consider themselves to be a part of it, because it is practiced by "others?" Are tourists then a "group" or "individuals" who accomplish the rather important function of watching but do not belong to the "community" as such? Similar questions can be raised about NGOs, which, we should remember, the ODs define as another kind of "community." Is the cultural NGO who brings these tourists to the middle of the Amazon a "community" or a "group," or none of the above, particularly if its statutes state that its primary purpose is to promote the sustainable development of the "community" it is urging people to visit?

It would seem that only an implicitly territorialized, ethnicized and fixist framework could allow us to assert that the NGO is not a "group" comprised of "people within or across communities [imagine, as is often the case, that their staff are indigenous activists living in the city] who share characteristics such as skills, experience and special knowledge [is running a tourist business none of these?], and thus perform specific roles in the present and future practice, re-creation and/or transmission of their intangible cultural heritage" (UNESCO and Asia/Pacific Cultural Centre for UNESCO 2006: 9). And yet, were they a "group" like any other, then their definition of the content of the ICH under consideration would have equal weight with that of other participants. If we picture this scenario in the Amazon, where tour guides regularly instruct indigenous peoples on the best way to perform their rituals in order to attract Western tourists, we must conclude that something has gone oddly off.

Put starkly, the ICH Convention and the Expert Report on Community Involvement propose what are in effect contradictory understandings of CGoiaIs: While the ICH Convention seeks to grant if not rights at least claims to ethnicized, historically constituted minority groups and populations, the Expert Group defines CGoiaIs as networks, contingent, practice- or performance-based collectives, similar to Lave and Wenger's "communities of practice" (Lave and Wenger 1991). Thus, the difficulties encountered when it comes to pinpointing the relation between cultural expression and its practitioners – what Noyes calls "the visibility of the cultural and the elusiveness of the social" (Noyes 2012: 15) – lead the Expert Group to take away with one hand what the ICH Convention has granted with the other. Anthropologists and folklorists can appreciate the problem; indeed, as mentioned above, we have been a driving force in the move away from fixist notions of communities or groups and towards performative, contingent, network-based models for understanding collective action in the area of cultural heritage (see Noyes 2003, for an excellent review of this history). However, we might hesitate to condone the solution. In adopting a performative conception of the social base of

ICH, the Expert Group has in essence deprived these (relationally constituted) social actors of the (strategically reified) grounds on which to assert their foundational claims against others.

If we are not simply to wag ivory-tower fingers at hardworking people whose job it is to fulfill concrete institutional missions, we must then ask the following question: Could the Expert Group, or UNESCO for that matter, have done otherwise? In order to answer this question, we needed a better understanding of the stakes – of the various performative effects (or absence of effects) – underlying this normative framework. For the time being, a troubling mixture of descriptive and prescriptive conceptions characterizes the various documents whose purpose it is to move ICH from abstraction to application: The ICH Convention sets forth a series of principles and summons into existence new legal fictions (CGoiaIs) to live them out. It leaves to the ODs, and to the experts mandated to help elaborate them, the difficult task of making these new legal entities correspond with something that can be observed in the real world. Experts rightly turn to anthropological and folklore studies of expressive culture for enlightenment, only to rediscover the same forms of confusion, for these disciplines, in their various ways, have also made something of a living brandishing, celebrating, taxonomizing and mobilizing "bottoms."

Admittedly, over the course of disciplinary history, our various attempts to refine our conceptual tools have moved us further and further away from romanticized vision of foundational folk with which we began, both because of our increased critical perspective on the negative, even catastrophic, side-effects of some of these formulations over the course of 20th century history and, I would suggest, because of our increasing irrelevance to contemporary policy formation within the international and national arenas. However, today, if we are to contribute usefully to this debate, we need to launch a process that moves in the opposite direction: From empirically grounded description and analysis of popular expressive culture, social practices and vernacular skills and knowledge creation (an enterprise already largely under way, with felicitous results) to normative conceptualizations that are capable of promoting the goals of socio-cultural inclusion, recognition and diversity that the UNESCO framework sets out to attain. Switzerland, I argue, is a good place to start.

4   Switzerland, the Land of a Thousand Bottoms

Figure 1: *Le Grand Muveran*, Ferdinand Hodler (1912), obtained via Wikimedia Commons

Switzerland may picture itself – both literally and figuratively – as a land of heights, but it is, by consequence, also a land of bottoms. Indeed, Switzerland has been inventing and experimenting with "bottoms" since its foundation as a nation, conventionally dated to the "Federal Charter," a pact of mutual protection against political imposition and economic exploitation by the Holy Roman Empire that was signed in 1291 by representatives of what were to become the three cantons of Uri, Schwyz and Nidwald. In the founding mythology of the Swiss nation, this pact is associated not with the legalistic signing of an agreement in Latin, but rather with a highly romantic moment, the encounter between three free men, representing their respective cantons, who are said to have met in 1307 to swear mutual alliance in the meadow known as the *Rütli* (or *Grütli*), in a stirring demonstration of what would today be called "free, prior and informed consent."

For our purposes, this foundational myth is important for what it reveals about the contrasting conceptions of "the bottom" in the Swiss political context. In one conception – the relational – the bottom can be seen as a position, the oppressed half of a power relationship, in which the top is represented by a foreign state or power. An external pressure creates putative community, which, as fractious and

fragile as it may be when viewed from within, is accepted for the strategic purposes of the moment in relation to an aggressive outsider. That these three brave men from Uri, Schwyz and Nidwald were land-owning, serf-employing local power holders – and thus, in a sociological sense, in no way "representative" of their respective "peoples"– drops out of the analysis precisely because they were granted the political legitimacy to represent their cantons against foreign oppressors. It is barely an exaggeration to say that we have here the successful transformation of local populations into a "First Nation," as the current indigenist vocabulary would call it: A historically constituted group resisting encroachment by colonial powers.

The second way in which our three heroes are at "the bottom," conceived foundationally as a place and not a position, becomes clear when one looks at the iconography of this mythical moment, particularly prominent in romantic efforts to shore up Swiss nation-building in the 18th and 19th centuries. In two famous paintings of the *Rütli* Pact reproduced below, the contracting parties are clearly "under" something, but that something is not a human institution. Rather, in the painting by Füssli their upward gaze is directed towards the sky, and the light that emerges looks suspiciously as if it emanates from God. The painting by Renggli echoes this depiction, but adds another element in the form of the Alps – literally naturalizing, or rather, "naturizing," their foundational act, unmediated by anything but glaciers and the Lord himself, with which their uplifted hands appear to be in direct contact.

Figure 2: *Die drei Eidgenossen beim Schwur auf dem Rütli,* Johann Heinrich Füssli (1780), obtained via Wikimedia Commons.
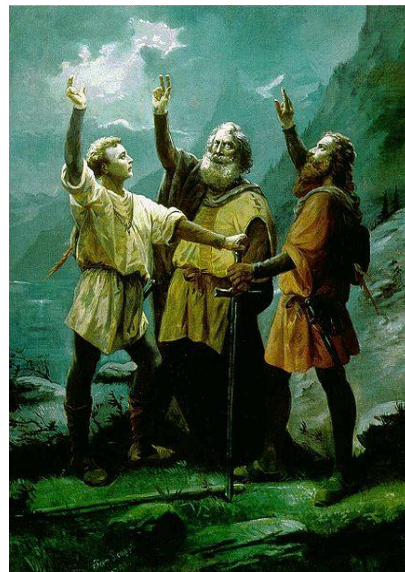
Figure 3: *Schwur auf dem Rütli*, Jean Renggli (1891), obtained via Wikimedia Commons.

The combination of these two conceptions, or rather the slip from the former to the latter, denotes a fundamental ambiguity in the way in which Switzerland understands its own political structures. On the one (raised) hand, Switzerland as a nation is conceived relationally, as an act of resistance to foreign exploitation and influence. On the other, the founding of the Swiss nation appears in all of its ur-innocence, an unmediated allegiance of equals, uncontaminated by any superior human institution and sanctioned only by the benevolent forces of God and/or Nature. This second foundational interpretation is, of course, in direct resonance with the romantic nationalism associated with Herder's concept of the *Volk*, and it is no surprise to find it popping up, or should we say popping down, here. What is important for my demonstration is the way in which these two conceptions blend together, creating what I will call the "downward pull" of the Swiss political imaginary, which affects everything from the constitution of the Swiss Federal Counsel to the composition of the Fribourg Federation of Costumes and Customs.

Though the details of this history would take us far beyond space limitations and my own expertise, let me nonetheless take it from the top. The "highest" level of government in Switzerland, the Swiss Confederation, or federal state in the general lexicon, enjoys a conditional form of legitimacy and power based, in theory and to a large extent in practice, on the consent of the foundational political units of the country, "the states," or cantons[14]. It is cantonal governments who are in many respects the primary loci of political decision-making and tax imposition, as evidenced by the "subsidiary" nature of federal policy in many areas, including that which concerns us here, culture. The delicate balance of power between the Confederation and the cantons, and between the cantons themselves, is the product of centuries of cooperation, tension and even war amongst regional powers that only recently (in 1848) attained a stable form as the country we currently call Switzerland.

This history is reflected in numerous institutions that deflect, delay and complicate, but also consolidate, decision-making processes: A constant attention to what is called "cultural diversity" (guaranteeing the presence of representatives of the three main national languages that are German, French and Italian in all political bodies); innumerable procedures for consensus-building and consultation amongst cantons, regions and the Confederation; a multiplicity of intermediary institutions (the Swiss Conference of Cantonal Ministers of Education, for example, or Conference of Governments of Central Switzerland, or the umbrella organization, the Foundation for Federal Co-operation). These principles, procedures and mechanisms go far beyond the presence of representatives of each canton in the (bi-cameral) federal parliamentary system.

---

[14] Cantons are regularly called *pays* or "countries" in political discourse, and there is a corresponding tendency towards the ethnicization of differences between them, loosely associated with differences in accent and with stereotypes linked to their respective socio-economic positions (the canton of Fribourg is reputedly "smelly" because it was long rural; citizens of Zurich are necessarily "snobs" because their canton is an important global financial center, etc.).

Furthermore, with the institutions of Swiss "direct democracy," political parties, interest groups, associations of all stripes and even loosely associated networks can and do use democratic instruments such as initiatives to formulate "bottom-up" policy recommendations, or, more frequently, referenda to resist "top-down" propositions, with the result that the lives of Swiss citizens are punctuated by voting (three to five times annually) in which "the People" are invited to take position on all manner of cantonal and federal policy, from regulations on the vaccination of farm animals to Switzerland's adhesion to international bodies and conventions.[15]

Following this spirit of popular involvement in policy-making all the way down to the town, village or neighborhood levels, one finds procedures for consultation in, appeal against and opposition to zoning decisions about construction and infrastructure, one finds the militia-system that governs the lowest level administrative units in very small communes, and one find the dense web of NGOs, associations, clubs and groups (frequently operative at the local level linked to other local levels through federations) that make Swiss "civil society" one of the most densely populated in the world (Helmig et al. 2011). And not coincidentally, this constant downward drift is associated with a deep and invested (both emotionally and economically) history of folklore studies and promotion of tradition, making Switzerland an ideal setting for the deployment of the ICH "bottom-up" framework, to which we now turn.

5   Identifying "the Bottom" in the Administration of Swiss ICH

As mentioned above, cultural policy in Switzerland is subject to the principle of "subsidiarity," which means that the Federal Office for Culture (hereinafter: FOC) and other federal entities play a secondary role in the promotion and financing of cultural activities in this country. In the context of Switzerland's ratification of the ICH Convention, this had precise and concrete implications. By signing the ICH Convention, the federal state committed itself to the creation of a national inventory of ICH in Switzerland, but following the Swiss Constitution, the responsibility for the content of this inventory lay with the cantons. Upon the signing of the ICH Convention, therefore, the FOC drew up a set of general procedural guidelines for

---

[15] Of course, this omnipresent reference to "the People" harbors both democratic and anti-democratic (populist) potential, as the recent history of anti-immigration political parties has demonstrated. In an early article, Bendix (1992) argues that the complex layering of Swiss political mythology works against the emergence of a racialized notion of the nation. Sadly, this emphasis on internal political diversity and federalism is under considerable strain today, as immigration increasingly appears to a large proportion of the Swiss population as the main political problem to be resolved. Though Switzerland has been caught up in the whirlwind of cosmopolitan thought, capitalist circulation and labor migration for centuries, the presence of dark-skinned immigrants in this snow-and-milk-based imaginary has created the impetus for the shoring up of national boundaries, and the intensification of a racialized notion of the "Swiss nation" (see Lavanchy 2014).

the cantons in order better to centralize information, but left cantonal governments a large margin of freedom to interpret these guidelines in conformity with their own laws and procedures.

The result is an interesting mish-mosh of scenarios, well documented by Graezer Bideau (2012). Some cantons, such as Fribourg, proceeded in what was classified as an entirely "top-down" manner: A commission of six experts (three historians, two anthropologists and one journalist) drew up the list of "living traditions"[16] for the canton and, after submission to cantonal authorities for modification and approval, used previously published historical and ethnographic material to assemble the documentation required by the FOC for inclusion of the selected cantonal items within the national list of living traditions.[17] In discussions with the person responsible for this procedure, the director of a well known and highly regarded (in all senses of the term) regional museum in the canton, it became clear that her decision to proceed via an expert committee was based not in a conviction that the "bearers of tradition" were illegitimate partners for decision-making, but rather in her sense that any appeal to these groups and individuals (of which there are many and with whom she was already in regular contact) would inevitably run the risk of leaving some out while including others. In a canton such as Fribourg, where "intangible culture" has been thematized, politicized and marketed for more than a century, this risk had rather tangible consequences: The production of unproductive competition for symbolic resources amongst "bearers of tradition," which no one would be authorized or equipped to arbitrate. In addition, despite the symbolic centrality of the notion of tradition for the canton, cantonal authorities had provided little extra financing to the museum director to accomplish the task they had set for her. Most importantly for our purposes, her decision to eschew "bottom-up" procedures stemmed not from ignorance about the existence of "the bottom" – if by "bottom" we mean individuals and associations already active in the promotion of cultural expressions generally recognized as "traditional," "living" and important for their "sense of identity and continuity" – nor from a habitus of expert superiority, but rather from her worry that "the bottom" represented an enormous can of worms, a Pandora's box that she had neither the time nor the resources to open.

In contrast to Fribourg, most Swiss cantons chose to follow what Graezer Bideau calls a "variety of methods" (2012: 307), combining "top-down" and "bottom-up" procedures. Concretely, this meant that cantonal authorities used experts to draw up a preliminary list of "living traditions" and then, or simultaneously, provided information to and consulted with local cultural associations already identified as active in the area of tradition. Frequently, this approach also involved

---

[16] In order to facilitate popular comprehension of the thrust of the ICH Convention, the FOC translated the UNESCO concept of "intangible cultural heritage" from "bureaucratese" (Hafstein 2012: 504) into German, French, Italian and Romansh, as *lebendige Traditionen*, *traditions vivantes*, *tradizioni viventi* and *tradizuns vivas*, respectively.

[17] http://www.lebendige-traditionen.ch/index.html?lang=en <accessed April 20, 2014>.

communication and collaboration with the level of administration directly below the cantonal level, the commune. As mentioned above, communes in Switzerland can be very small, sometimes representing as few as a couple of hundred inhabitants, in which case they are governed through a semi-militia system of administration in which civil servants work half-time (or less) at their administrative positions while occupying other jobs elsewhere.

An effect of the downward pull of Swiss political structures discussed above, this jealously guarded local autonomy creates a situation in which civil servants at the communal level are rather "close" to the "bottom:" Politically, they are only half different from their fellow citizens who do not exercise political responsibilities; socially, they are constrained by systems of local social control in contexts where face-to-face contact and criss-crossing social ties are frequent.[18] As we shall see below, this grey zone, representing the juncture between "the State" and "the People," is one of the places where "the bottom" is produced in the area of ICH administration in Switzerland.

Despite this downward pull, particularly present in the area of culture, only three Swiss cantons proceeded with what was (retrospectively!) labeled a "bottom-up" approach to ICH. The cantons of Aargau and Solothurn joined forces to undertake a vast consultation of cultural associations active in their region, resulting in an extraordinary expression of interest in *lebendigen Traditionen* and more than a thousand proposals for inclusion on the bi-cantonal list![19] But lest we rush to conclusions about the relative productivity of this "bottom-up" approach, I would like to highlight the other canton categorized (again retrospectively) as having opted for the "bottom-up": the Republic and canton of Neuchâtel, which produced results diametrically opposed to those of Aargau-Solothurn.[20] As I happened to be

---

[18] I would not wish to be misunderstood here: The commune is not a "community" in the 19th century sense attributed to this word by social theorists such as Tönnies or Durkheim. Communes vary greatly in size and social composition, from the commune of Zurich, with a population of nearly half a million, to the commune of Corippo in the Ticino, with a population of approximately 15. More importantly for our purposes, even the smallest, most rural communes are networked into cantonal, national and international systems of law and regulations, their inhabitants are as much a part of the global economy as are the inhabitants of Singapore, and they are as linked to regional, national and global cultural flows as their city-dwelling compatriots. Nonetheless, forms of social control based in residence – through the local service economy, through the school system, through kinship and neighborly ties – do exert pressures on communal political authorities that are both more diluted and more mediated at the canton and national levels, with the result that communal authorities in smaller communes can and do take up the posture of the "regular guy," representing his or her constituencies against government while simultaneously downplaying and mobilizing the fact that they are themselves political actors.

[19] http://www.immaterielleskulturerbe-ag-so.ch/die-liste-2010-11/<accessed April 24, 2014>.

[20] The enormous differences in the responses of these three cantons have been made invisible through the FOC's decision both to limit significantly the number of items to appear on the federal list of ICH and to "balance out" the number of propositions retained per canton – out of respect, ironically, for "cultural diversity" and "representativeness." Thus, the more than 1000 propositions welling up from Aargau and Solothurn were winnowed down to 15 and 11, respectively, while seven of the eight propositions from the canton of Neuchâtel were retained for the national list, as we shall see.

personally involved in this procedure, I will describe it in some detail in order to probe exactly how "the bottom" was produced in the canton of Neuchâtel and what this tells us about the kinds of beings that count as "bottoms."

6   Touching Bottom in Neuchâtel

Located in the region of "the other Swiss mountain range," the Jura Range stretching from Geneva to Basel on Switzerland's western boundary, Neuchâtel[21] is a canton that, unlike many others in Switzerland, has traditionally downplayed the role of tradition in official discourse.[22] A number of historical factors can be linked to this distinctly hands-off attitude. First, in contrast to a canton such as Fribourg, Neuchâtel was central in the Protestant Reformation, a fact that led to the near total elimination of the rituals and calendar-based festivities associated with Catholicism. Second, while the political constitution of Swiss cantons is notoriously chaotic and fundamentally international in nature, Neuchâtel stands out as one of the least politically "indigenous" cantons in the Confederation: Long under the nominal control of French rulers of various stripes, it was officially a Prussian principality for most of the years from 1707 to 1848, creating an aura of cosmopolitanism that was highly valued at a time when the canton was economically prosperous. Finally and no doubt most importantly, Neuchâtel is also characterized by a precocious process of industrialization: In part because of its international ties, the region profited greatly from proto-industrial production of textiles, lace, watches and other luxury goods in the 18th century, and the secondary sector became predominant in the 19th century, marginalizing the primary sector both economically and symbolically. Indeed, the "tradition" most generally associated with the canton of Neuchâtel is watch-making, an activity that depended and still depends heavily today on an international workforce, international financing and international trade (Munz 2011).

   This history helps explain why, when the Neuchâtel Service for Cultural Affairs received the FOC's request to constitute a cantonal inventory of "living traditions," the immediate reaction was reluctance, indifference and confusion. The director of the Service contacted the Anthropology Institute (that is to say, me), in the hopes that I could help her devise a strategy for creating an inventory of ICH in a canton that, in her words, "has no traditions." In her view, the canton's policy in relation to culture was limited to offering support to new creations and emerging activities, though it did subsidize some established associations active in the area of popular culture. Its conservation arm operated uniquely in the area of material and monumental heritage, and she did not have the legal basis to reorient its activities into the area of intangible culture. Finally, she told me, the cantonal

---

[21] Caveat lector: the capital city of the canton of Neuchâtel is also called Neuchâtel.
[22] For an analysis of Neuchâtel's complicated relation to tradition, see Hertz and Wobmann (2014a).

government was not particularly interested in cultural policy in general, and particularly indifferent to the question of cantonal "traditions." Thus, she had received virtually no political or economic support for the task that the FOC had thrust upon her. Given my own involvement in the large research project at the origins of this paper, that is to say, in studying the process she hoped I would help design, I expressed hesitation at the idea of participating directly in the creation of the cantonal inventory. However, I did join the ad hoc expert group that she constituted to reflect on the best way to proceed.

The group was composed of seven civil servants responsible for material heritage preservation, cantonal archives and local museums, of two university professors (myself and a historian), of a civil servant working directly for the Service in question and of the director herself, who presided. Its initial discussions were conducted in an atmosphere of mixed curiosity and consternation. Trained as a historian, the Service's civil servant directly responsible for the constitution of the inventory was manifestly reluctant to follow UNESCO in recognizing as ICH practices and activities that were not, in his view, genuinely traditional, for "traditional" signified for him cultural expressions whose origins could be dated back to at least before 1848, the moment when Neuchâtel entered the Swiss Confederation as a modern, independent Republic, and ideally to before the Protestant Reformation. As for the other cantonal and communal civil servants in the group, they also expressed some reluctance to take up what they felt to be a highly charged and confusing political initiative. Some of them, active in international circles and structurally suspicious of federal cultural bureaucracy, were wary of the right-wing, populist overtones of the ICH Convention, quickly identifying the dangers of reifying and romanticizing "communities." Others, more rooted in local settings, wondered how they were to go about thinking up new activities or exhibitions above and beyond the programs they regularly put in place to encourage more popular participation in the identification of intangible culture (the international *Journées du patrimoine*, for example, or in local promotional efforts such as the *Journées du patrimoine horloger*). The archivists saw their role as one of back-up; they were more than willing to help with documenting the living traditions that were to figure on the cantonal inventory, but they had no great desire to participate in choosing them.

As for myself, I had a number of hidden agendas. In a negative vein, over and above my discomfort at the idea of playing an active role in a process I was supposed to be simply observing, I wanted to avoid two impossible tasks: Defining what was an authentic "living tradition," and identifying real-live CGoiaIs associated with them. On a more positive note, I was curious to see how a thoroughly non-interventionist stance would work itself out in practice. What if, I wondered, we took UNESCO ideology at its word? What would happen if we "at the top" did virtually nothing – sat back, folded our arms and simply waited for "the bottom" spontaneously to express itself?

This highly situated interpretation of what was meant by a "bottom-up" approach was amenable to all parties concerned for reasons that, it should be emphasized, had relatively little to do with the spirit of the ICH Convention. The director of the cantonal Service for cultural affairs and her overworked staff member could avoid extra expense and time, all the while claiming orthodoxy.[23] The other members of the Commission could avoid innumerable meetings from which they had nothing in particular to gain. I could run my experiment in laissez-faire heritage policy, and the cantonal government, which took no interest in our activities, could continue to take no interest in our activities. It was thus decided that the initiatives of the cantonal Service for culture would take two forms and two forms only. First, it would organize a press conference in which it explained the notion of "living traditions" and the creation of the cantonal inventory, and invited interested parties to contact them via a dedicated website. Second, it would send this same information in a letter to all of the communal administrations. After that, it would simply sit back to wait and see how "the bottom" would respond.

7   CGoiaIs in Neuchâtel

Eight propositions came bubbling up from the wellspring that is "living tradition" in the canton of Neuchâtel. They represented a hodge-podge of practices and festivities that surprised the expert group, and amused and perplexed the press in its (minimal) coverage of events (Droz 2011). As mentioned, the most noteworthy aspect of this procedure for the press was the absence of watch-making heritage from the list, for watch-making, and micro- and nanotechnologies generally, are signature activities for the canton, both economically and symbolically. But apart from this sorely missed guest, who were the CGoiaIs that were invited to the party and with which ICH communities, groups and individuals was the canton newly populated? What follows is a brief description of each of them, in all of their heteroclite normalcy. If this description is meandering and "random," as young people say, well, tradition is meandering and random, and CGoiaIs, or what stood in for them in Neuchâtel, are diverse, unpredictable and not particularly communicative.

---

[23] The cantonal website is a masterpiece of *ex post* justification, highlighting the "courageous choice" to "respect the spirit and the letter of the Convention" by "refusing to draw up an *a priori* theoretical list so that bearers [of tradition] could better manifest themselves". It also explains that because of its strict interpretation of the "participatory model," certain "important local customs" were left out of the inventory, since no one came forward to present them. It then proceeds to give a list of these absent traditions, with an entire paragraph devoted to watch-making. It concludes by remarking that the question of living traditions "met with little response" in Neuchâtel as compared to other cantons and that the Anthropology Institute (that is to say, me again!) was busy thinking about how to deal with Neuchâtel's living traditions under these conditions. See
http://www.ne.ch/autorites/DJSC/SCNE/traditions-vivantes/Pages/inventaire-neuchatelois.aspx <accessed April 24, 2014> (my translation).

Of the eight proposition received, seven were selected for the national list and claim pride of place on the cantonal website for "living traditions"[24]. In terms of thematic emphasis and social form, they varied significantly. Two of them were directly linked to celebrations surrounding Neuchâtel's revolutionary history. The "Neuchâtel Revolution commemorative march," proposed by an association created approximately thirty years ago, is a collective walk that follows the route that Neuchâtel troops are purported to have taken in 1848 in their move to oust the Prussian Prince from his castle in the capital city of Neuchâtel.[25] Linking the historically opposed "higher" and "lower" parts of the canton, this march symbolizes cantonal unity and the democratic values associated with the canton's liberation from foreign rule, but as its founder explains, it is more importantly a moment of collective leisure when people from all walks of life can enjoy the canton's fresh air and lovely scenery together. The second of these revolutionary traditions was proposed by the communal administrations of Butte and Môtiers, and commemorates the moment in 1814 when Neuchâtel entered the Swiss Confederation but was forbidden to celebrate by the Prussian monarch, jealous of his powers.[26] Called the "Fountain Festival," it consists in a yearly ritual in which school children are mobilized to decorate the many historic fountains of these two small towns. On the anniversary evening of September 12th, the organizers lead the public from fountain to fountain where the children sing songs, accompanied by a local brass band; the ritual ends with a danced round in which the public is invited to participate.

In their content, these festivities are similar to the national celebration that takes place every year to commemorate the "Grütli Pact" in so-called "Primitive Switzerland," the mythical moment of nation building that supposedly took place on the plain of the same name. In all three celebrations, a temporarily united, politically determined "us" comes together to display its opposition to an absent "them," an oppressive foreign powers whose overthrow demonstrates the essentially democratic spirit of the Swiss, respectively Neuchâtel, people. At first glance, therefore, these traditions seem to be based on the foundational-relational conception of the bottom as described above, in which villagers can celebrate their community by invoking a common enemy. However, it does not take much fieldwork to discover that participants are not particularly preoccupied with shoring up the boundaries of a foundational-relational "us."

---

[24] http://www.ne.ch/autorites/DJSC/SCNE/traditions-vivantes/Pages/accueil.aspx <accessed April 24, 2014>.

[25] For a description and documentation of this living tradition, see the FOC website at http://www.lebendige-traditionen.ch/traditionen/00164/index.html?lang=en <accessed April 24, 2014>. Typical of the lukewarm welcome that the canton reserves for its traditions, the headline of the first newspaper article to cover the event in 1985 reads: "Nothing particularly 'revolutionary'!" (*L'Impartial.* March 2, 1985).

[26] For a description and documentation, see http://www.lebendige-traditionen.ch/traditionen/00162/index.html?lang=en <accessed April 24, 2014>. Alert readers will have noticed that the canton of Neuchâtel was, for a brief moment between 1814 and 1848, simultaneously part of two encompassing political entities: the Swiss Confederation and the Prussian Empire, another mark of distinction.

Indeed, examined through the lens of the performative conception of the bottom, it is easy to identify the "contingent situation" that these rituals seek to transform: For the commemorative march, rejuvenating the bonds between the "higher" and "lower" parts of the canton through an active demonstration of openness, fun and collective effort; for the Fountain Festival, creating a moment of intergenerational solidarity and perhaps (though this argument is only implicit) drawing attention to the revolutionary history of the Val-de-Travers, the region where these two villages are located, traditionally excluded from the "high/low" dichotomy that divides the canton into two (see Hertz & Wobmann 2014b).

The five remaining "living traditions" on the Neuchâtel list all involve activities that could be grouped within a loose category of "popular culture" or, more colloquially, "local pastimes." Particularly interesting for our purposes, only one seems to rely on the existence of a territorially or administratively defined "community," thus activating a foundational or relational conception of its social base. This is the annual grape harvest festival that takes place in the capital city of Neuchâtel and thus connotes the "lower" part of the canton in which wine production was a traditional means of livelihood, in contradistinction to the "upper" part of the canton, associated with watch-making. Though the festivities and the parades have been organized for at least 80 years by a local association (linked to the city's wine producers), the expert group was at first reluctant to include this festival in the inventory, arguing that similar demonstrations take place throughout Switzerland in the fall, and that this one had nothing specific to offer. It turned out that they were mistaken, however, as Neuchâtel's is one of the last parades of this sort still to use live flowers (*le corso fleuri*) to decorate the floats, justifying its presence on the cantonal and national lists of ICH. The website also notes, almost in passing, that this festival is by far the largest tourist attraction in the canton gathering, in its heyday in the 1950s, 80,000 spectators in a town of 25,000.[27]

Like the revolutionary traditions, the grape harvest festival presupposes a place with an identity, and more importantly, an audience. The other four traditions on the cantonal list are all more inward-looking, centering on the activities of a small, non-homogenous group of practitioners who are not promoting much. With reference to the "sense of identity and continuity", the "environment, […] nature and […] history" referred to in Article 2 of the ICH Convention (UNESCO 2003), they can be arranged on a scale running from "based-in-a-historically-or-geographically-constituted-sense-of-collective-identity" to "none-of-the-above," with "more-or-less-popular-in-the-region," and "that's-where-the-river-runs" falling somewhere in between.

Two involved popular pastimes supported by local associations who received no support from the cantonal government or their respective communal administrations. Of these, the most the historically grounded was the group of cantonal

---

[27] For description and documentation, see http://www.lebendige-traditionen.ch/traditionen/00159/index.html?lang=en <accessed April 24, 2014>.

lace-makers associations who practice lace-making of various types, ranging from creative new techniques learned through national and international exchange of information (particularly with Japan) to local styles, notably the historically documented motifs called the "Neuchâtel style," once prestigious, very difficult, and largely forgotten since Neuchâtel ceased to be a center for lace production in the early 19th century.[28] This association of associations, each one representing an important region or city in the canton, is not particularly endangered, not does it seek to gain anything materially through its inclusion in the list of living traditions. Indeed, when initially interviewed for my research project, these lady lace-makers spoke mainly about the pleasures of their get-togethers, their passion for lace-making and the subtle forms of rivalry that pit local associations against one another. One president even expressed distinct reluctance to enter into what she considered to be needlessly bureaucratic procedures of an ill-defined nature for uncertain ends.

Similarly unmotivated by a desire to promote anything but middle-aged fun was the application by a federation of associations which practice "Neuchâtel skittles," a game that involves rolling a large wooden ball towards pins along a lane made of two planks that touch in the middle at a slant, forming a kind of circumflex.[29] Called, somewhat tendentiously, the "forerunner of ten-pin bowling," this game displays minor regional particularities and is slowly but surely losing its popularity. Indeed, the Neuchâtel expert group had, for the most part, never heard of it, and the players we interviewed (distinctly masculine) made it clear that they had no desire for excessive publicity; they simply wanted to increase their membership slightly in order to guarantee the survival of their sport (Doyen and Mayor 2014). Classification as a "living tradition" gave them a certain sense of pride and recognition, but was also viewed with ironic distance, as one of their members affirmed: "we're just regular people, here"[30]. In folkloristic terms, their orientation was distinctly towards what we have called the performative: Indeed, they frequently pointed out, with a hint of pride, that their members came from all walks of life and did not necessarily share anything beyond the pleasure of getting together to skittle.

Further down the spectrum of "traditionally localizable" was a pastime popular in a particularly peripheral corner of the canton, the commune of Les Brenets, located on the border with France from which it is separate by the slow-flowing

---

[28] For description and documentation, see http://www.lebendige-traditionen.ch/traditionen/00161/index.html?lang=en <accessed April 24, 2014>.

[29] As can be imagined, even touching the oversized wooden pins at the end of this lane is difficult, and knocking down all seven of them virtually impossible, creating excitement for seasoned members, and nothing but frustration for newcomers. For description and documentation, see http://www.lebendige-traditionen.ch/traditionen/00166/index.html?lang=en <accessed April 24, 2014>.

[30] In French, "nous sommes tous des privés ici". This phrase is virtually untranslatable into English, but signifies at a minimum that they have nothing to do with the State (interview with the author, May 2014).

Doubs River. In the winter, this river occasionally freezes over and becomes a large natural skating rink that attracts numerous villagers as well as families from neighboring regions including, of course, France, the other side of the rink. It is also, however, dangerous, and a certain amount of local know-how is mobilized in order that skaters avoid the areas of the river where the ice is thin. Animated by a sense of local history and pride, one of the administrators of the commune thus proposed that "Ice-skating on the River Doubs" enter the registry of cantonal living traditions.[31] Once again, no money, prestige or promotion was expected from this enterprise and the "community" that UNESCO calls a "bearer of tradition" was none other than the administrative authorities of Les Brenets. Furthermore, no particular value, history or purpose motivated this application. Rather, the simple pleasure that others could learn of this simple pleasure was ample justification for their proposition in the minds of the communal administrators.

The final tradition was proposed neither by an association, nor by a communal administration; indeed, it is the only "living tradition" that the ad hoc expert group took it upon itself to suggest for inclusion on the cantonal inventory. It concerned what was translated in the national inventory as an "outdoor barbecue party," known locally by a term of regional parlance, *la torrée*. Doing a *torrée* involves very precise, if ridiculously familiar, elements: A family or friends (usually the men-folk) build a large fire in the woods; once the ashes are smoldering nicely, Neuchâtel-style sausages are placed in the cinders, often wrapped in a cabbage leaf and then again in the local newspaper, both of which are thought to add flavor.[32] Common during school outings, family gatherings and professional or associative retreats, it is practiced by locals of all walks of life. As such it is both entirely popular and unsupported by any form of local association or group. As a consequence, while it was impossible to locate a particular "bearer" of this tradition, it was also unthinkable to the expert group not to include it on the list. With the help of a local student strongly attached to this tradition, the Anthropology Institute thus volunteered to submit this file to the canton, serving as a proxy for what the expert group identified as the cantonal population as a whole.

Summing up this series of propositions, what do we find? As the table below suggests, there are three institutional forms that enter into play in Neuchâtel's living traditions: associations, communal administrations, and in one case, an individual standing in for a research institute, standing in for an expert group, standing in for the entire cantonal population. While most of these traditions are practiced

---

[31] For description and documentation, see http://www.lebendige-traditionen.ch/traditionen/00158/index.html?lang=en <accessed April 24, 2014>. See also Wobmann and Hertz 2014. Another proposal by the same administrator concerned an annual festival organized by the village, but this idea was rejected by the national expert group on the grounds that every commune in Switzerland organizes at least one communal festival and there was therefore no reason to list that of Les Brenets and not all the others.

[32] For description and documentation, see http://www.lebendige-traditionen.ch/traditionen/00168/index.html?lang=en <accessed April 24, 2014>. See also Wobmann 2014.

simply for the sake of it, they are all loosely related to regional history, geography or topography. Two of them also refer to the political events that led to the creation of the political entity that is Neuchâtel, celebrating not so much what Neuchâtel was or is as what they thought it should be. While pride was in the air, so was irony; while specialized skills were in evidence, so were simple activities such as walking, drinking, skating, eating and watching. None of the "bearers" of this "ICH" justified themselves or their practices with reference to the notion of "community," nor were they particularly comfortable with the phrase "intangible cultural heritage," preferring the term "tradition." Most importantly, none of them saw his or her group or activity as exclusively *neuchâtelois*, nor did they accord particular legitimacy to their status, or take themselves to be "bearers" of some form of cantonal identity.

	Revolutionary commemorative march	Fountain festival	Grape harvest festival	Neuchâtel lace-making	Neuchâtel skittles	Skating on the Doubs river	Outdoor barbecue (torrée)
associations or federations	X		X	X	X		
communal administration		X				X	
individual (proxy)							X
foundational-relational folk	kinda +	kinda	kinda –	nope +	nope +	nope +	nope
performative folk	yup +	yup +	kinda –	nope	nope +	kinda	nope –
regular folk, going about their business	nope	nope +	kinda	yup	yup +	yup +	yup

Figure 4: Analytics of Neuchâtel's "living traditions"

Legend: "yup" signifies the clear presence of the particular logic of belonging listed in the left hand column; "nope" signifies its absence; and "kinda" signifies something between the two. As for the plusses and minuses, they are there to indicate whether these logics of belonging were explicitly articulated (+), latent, not mentioned or ambivalent (no indication) or downplayed (–). Clearly, this whole exercise in table-making demonstrates that fieldwork data does not fit neatly into boxes. My point is neither does ICH.

In sum, the foundational and relational conceptions of the bottom so prominent in the ICH framework seem to play at best a secondary role here. Indeed, I would be comfortable claiming that the "communities" that are hearty citizen marchers, singing school children out too late, gals on floats and drunken partiers, lady-like lace-makers, aging bowlers, happy ice-skaters or family picnickers are a

pure artifact of the ICH framework and the ICH Convention's obsession with CGoiaIs. But does this mean there's actually nobody "down there," nobody at "the bottom" at all?

8   Conclusion: The Phantom CGoiaI[33]

Figure 5: La Grande Torrée de Neuchâtel, 2012 (©Fanny Richard)

In 2012, to celebrate the Swiss Year of the Forest, the canton of Neuchâtel organized an enormous *torrée* in a communal field in which each commune was given a spot near a fire, and massive amounts of Neuchâtel sausage and wine were made available for purchase. The weather was clement, the cars lining the forest path numerous, and the celebration was a huge success. The *torrée* had been listed on the cantonal list of Intangible Cultural Heritage, and everyone seemed to agree that this move was appropriate; it was even part of the celebratory sub-text leading up to the organization of this event. But what were the bonds that linked the couples, individuals, families and politicians that came to roast their meat in these multi-sited cinders? Were they primordial, ethnic or created in the heat of performance? Yes, there were traces of these sentiments in the air: Jokes, usually depreciative,

---

[33] Many of the ideas in this conclusion are directly or indirectly inspired by exchanges with Jean-Louis Tornatore, although they may be unrecognizable to him. May he be thanked and relieved of all responsibility simultaneously.

about how such-and-such was typically *neuchâtelois*; playful disputes about the right way to wrap one's sausage (with the well worn tension between people from the "high" and "low" parts of the canton expressed through the question of which newspaper – "high" or "low" – one wrapped with); a low-intensity sense of *communitas* created by the smoke, the smells and the sunlight. Attached through professional, social or kinship relations to the various communes organizing communal campfires, the participants came to partake in the giant picnic: Nothing more, but certainly nothing less. However, if push came to shove, they might well have affirmed their desire, if not assert their right, not to bother with the "community" of picnickers hailing from different communes in the canton, not to share ideas, values or tastes with their neighbors, not to join hands in a massive cantonal dance through the wooded pastures, etc.

In other words, what united these picnicking individuals was perhaps best captured by the notion of citizenship: The participants in this tradition were, for the most part, just plain old inhabitants of that recognizably arbitrary geo-political unit called "Neuchâtel." Clearly, as citizens, they were more than simple individuals, isolated from one another through centrifugal market and political forces, for they had come together to celebrate a cheerful cantonal occasion. Indeed, as citizens, they had come together to form what philosopher John Dewey (1927) calls a "public", a temporary, fragile collective entity brought into being whenever the circumstances present themselves, with the goal of keeping the State working for them and not against them. If they wanted money to pursue a cause, an activity or commemorative endeavor, they knew what to do: form an association and request money from the communal or cantonal administrations or from para-state (the Swiss lottery system) or private sources. If they opposed cantonal projects for the construction of windmills on "their" mountaintops, fearing the desecration of "their" landscapes, "their" natural heritage, they knew what to do: launch a referendum or an initiative, mobilize their friends in political parties, and stage demonstrations.[34] If they wanted to preserve an old farmhouse from destruction by real estate promoters, they knew what to do (and most likely, the cantonal heritage office had already done it for them). These are the democratic options open to Swiss citizens in the Swiss political system. Do they need more of them? Do they need more avenues for "participation?" I could imagine answering this in the affirmative, but many people disagree strongly, asserting that the multiple channels by which "the bottom" can express its collective will in this system are already excessive, slowing down the process and discrediting us in the eyes of our neighbors.

---

[34] The question of whether the canton should construct a series of windmill parks on the mountain tops was indeed put to popular vote through a popular initiative in May of 2014, and a majority of "the People" said "yes;" no concept of "community" can account for the fact that there were necessarily winners and losers in this process, that the result divides as much as it unites.

Participatory politics were developed in the 1960s as a reaction to what were perceived as failures of the state. Originating in the West, largely in the areas of urban and community development (Arnstein 1969),[35] promoters of participation highlighted the excessively bureaucratic, technocratic or authoritarian decisions by urban and social planners, and claimed the right as citizens to have their say in decisions about the social and built environments that surrounded them. The paradigm was imported with gusto and a certain number of hidden agendas into development contexts, where it seemed to provide an alternative to top-down arrangements between international institutions and corrupt state officials. The undesirable side effects of these arrangements have been largely criticized (White 1996, Michener 1998, Cooke and Kothari 2001), and take us well beyond the scope of this article. They raise important questions about the possibilities for collective deliberation and action in the complex institutional contexts of globalized modernity. But these should be distinguished from another line of argument, implicitly developed in the ICH participatory framework. This argument suggests not that citizens of states should have access to political structures and decision-making, but that certain types of collective actors, CGoiaIs, have special rights (and perhaps special duties) in relation to the state and the international community. This conception sits poorly with the institutions and practices of a functioning democracy such as Switzerland. And we could argue that it is a poor substitute for the instauration and/or improvement of democratic structures in other countries. So my question is the following: Do we want to promote cultural democracy (and in the process, the culture of democracy) through the egalitarian paradigm of citizenship, or do we want to promote "participation" through the incoherent and implicitly reifying paradigm of the CGoiaI?

---

[35] For a useful history of the concept of "participatory democracy" in France, see Wuhl 2008.

References

Arnstein, Sherry R. (1969): A ladder of citizen participation. Journal of the American Planning Association 35(4): 216–224.

Barth, Fredrik (1969): Ethnic Groups and Boundaries. The Social Organization of Cultural Difference. New York: Little Brown & Company.

Bauman, Richard (1971): Differential Identity and the Social Base of Folklore. Journal of American Folklore 84(331): 31–41.

Bendix, Regina (1992): National sentiment in the enactment and discourse of Swiss political ritual. American Ethnologist 19(4): 768–790.

Bendix, Regina, and Galit Hasan-Rokem, eds. (2012): A Companion to Folklore. Chicester: Wiley-Blackwell Publishing.

Berliner, David and Chiara Bortolotto (2013): Le monde selon l'Unesco. Gradhiva 18: 4–21.

Blake, Janet (2009): UNESCO's 2003 Convention on Intangible Cultural Heritage. The implications of community involvement in 'safeguarding.' *In* Intangible Heritage. Laurajane Smith and Natsuko Akagawa, eds. Pp. 45–73. London/New York: Routledge.

Bortolotto, Chiara (2011): Le trouble du patrimoine culturel immatériel. *In* Le Patrimoine culturel immatériel. Enjeux d'une nouvelle catégorie. Chiara Bortolotto, ed. Pp. 21–43. Paris: Maison des sciences de l'homme.

– (2012): The French Inventory of Intangible Cultural Heritage: Domesticating a Global Paradigm into French Heritage Regime. *In* Heritage Regimes and the State. Göttingen Studies in Cultural Property, Vol. 6. Regina Bendix, Aditya Eggert, and Arnika Peselmann, eds. Pp. 265–282. Göttingen: Universitätsverlag Göttingen.

Botchway, Karl (2001): Paradox of Empowerment: Reflections on a Case Study from Northern Ghana. World Development 29(1): 135–153.

– (2013): Comment le patrimoine mondial de l'Unesco devient immatériel. Gradhiva 18: 23–48.

Cooke, Bill and Uma Kothari, eds. (2001): Participation: The New Tyranny? London/New York: Zed Books.

Cornwall, Andrea (2008): Unpacking 'Participation': models, meanings and practices. Community Development Journal 43(3): 269–283.

Dewey, John (1927): The Public and its Problems. New York: Holt Publishers.

Doyen, Audrey and Grégoire Mayor (2014): Comme des experts dans un jeu de quille. *In* Complications neuchâteloises: histoire, tradition, patrimoine. Ellen Hertz and Fanny Wobmann, eds. Pp 187–195. Neuchâtel: Editions Alphil.

Droz, Daniel (2011): La torrée inscrite à l'UNESCO? L'Express/L'Impartial, June 3, 2011.

Eden, Sally (1996): Public participation in environmental policy: considering scientific, counter-scientific and non-scientific contribution. Public Understanding of Science 5(3): 183–204.

Graezer Bideau, Florence (2012): Identifying 'Living Traditions' in Switzerland: Re-enacting Federalism through the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. *In* Heritage Regimes and the State. Göttingen Studies in Cultural Property, Vol. 6. Regina Bendix, Aditya Eggert, and Arnika Peselmann, eds. Pp. 303–325. Göttingen: Universitätsverlag Göttingen.

Groth, Stefan (2012): Negotiating Tradition. The Pragmatics of International Deliberations on Cultural Property. Göttingen Studies in Cultural Property, Vol. 4. Göttingen: Universitätsverlag Göttingen.

Gupta, Akhil and James Ferguson (1992): Beyond 'Culture': Space, Identity and the Politics of Difference. Cultural Anthropology 7(1): 6–23.

Hafstein, Valdimar T. (2012): Cultural Heritage. *In* A Companion to Folklore. Regina Bendix and Galit Hasan-Roken, eds. Pp. 500–519. Chicester: Wiley-Blackwell Publishing.

Helmig, Bernd, Markus Gmür, Christoph Bärlocher, Georg von Schnurbein, Bernard Degen, Michael Nollert, Monica Budowski, Wojciech Sokolowski and Lester M. Salamon (2011): The Swiss Civil Society in a Comparative Perspective. VMI research series Vol. 6. Fribourg: University of Fribourg. Available at: http://www.vmi.ch/upload/forschung/forschungsreihe/The_Swiss_Civil_So ciety_Sector_in_a_Comparative_Perspective_-_VMI_research_series_- _Volume_6_mit_Cover.pdf <accessed April 20, 2014>

Hertz, Ellen (2010): Excessively up at the International Labour Organization. Notes on "Note on the Proceedings TMITI/2007/10". MAPS Working Paper Series 9. University of Neuchâtel. Available at: https://doc.rero.ch/record/20724/files/Hertz_Ellen_- _Excessively_up_at_the_International_Labour_Organisation_20101005.pdf <accessed April 20, 2014>

– (2015): La Suisse et la Convention de l'UNESCO pour la sauvegarde du patrimoine culturel immaterial: plaidoirie pour une interpretation cohérente et

courageuse. In Lebendige Traditionen ausstellen. Bundesamt für Kultur, Verband der Museen der Schweiz, Museum für Kommunikation, eds. Pp. 33–40. Baden: Hier und Jetzt.

Hertz, Ellen and Fanny Wobmann, eds. (2014a): Complications neuchâteloises: histoire, tradition, patrimoine. Neuchâtel: Editions Alphil.

– (2014b): "Introduction" *In* Complications neuchâteloises: histoire, tradition, patrimoine. Ellen Hertz and Fanny Wobmann, eds. Pp. 11-26. Neuchâtel: Editions Alphil.

Hinton, Rachel (1995): Trades in different worlds: listening to refugee voices. PLA Notes 24: 21–26.

Lavanchy, Anne (2014): The circulation of people. How does 'race' matter in Switzerland? MAPS Working Paper Series 7. University of Neuchâtel. Available at http://doc.rero.ch/record/210431?ln=fr <accessed February 26, 2015>

Lave, Jean and Etienne Wenger (1991): Situated Learning: Legitimate Peripheral Participation. Cambridge: Cambridge University Press.

Lévi-Strauss, Claude (1971): Race et Culture. Revue internationale des sciences sociales XXIII(4): 647–666. Available at: http://www.unesco.org/bpi/pdf/courier042008_levy_strauss_race_culture.pdf (no pagination) <accessed April 20, 2014>

Lippmann, Walter 2009 [1927]: The Phantom Public. New Brunswick: Transaction Publishers.

Lucas, Jean-Michel and Kasimir Bisou (2012): Le PCI à l'épreuve de l'universalité. Paper given at the colloquium "Le patrimoine oui, mais quel patrimoine?" organized by the French National UNESCO Commission and Centre français du patrimoine culturel immatériel – Maison des Cultures du Monde. April 3–4, 2012 (Paris).

Michener, Victoria J. (1998): The participatory approach: Contradiction and co-option in Burkina Faso. World Development 26(12): 2105–2118.

Munz, Hervé (2011): Les (im)mobiles frontières du patrimoine horloger dans l'Arc jurassien. Géo-regards 4: 43–58.

Noyes, Dorothy (2003): Group. *In* Eight Words for the Study of Expressive Culture. Burt Feintuch, ed. Pp. 7–41. Urbana: University of Illinois Press.

– (2012): The Social Base of Folklore. *In* A Companion to Folklore. Regina Bendix and Galit Hasan-Roken, eds. Pp. 13–39. Chichester: Wiley-Blackwell Publishing.

Sapir, Edward (1924): Culture, Genuine and Spurious. The American Journal of Sociology XXIX(4): 401–429.

Seitel, Peter, ed. (2001): Safeguarding Traditional Cultures. A Global Assessment. Washington D.C.: Center for Folklife and Cultural Heritage, Smithsonian Institution.

UNESCO (2003): The Convention for the Safeguarding of Intangible Cultural Heritage. http://www.unesco.org/culture/ich/index.php?lg=en&pg=00022 <accessed April 20, 2014>

UNESCO and Asia/Pacific Cultural Centre for UNESCO (2006): Expert Meeting on Community Involvement in Safeguarding Intangible Cultural Heritage: Towards the Implementation of the 2003 Convention. http://unesdoc.unesco.org/images/0014/001459/145919e.pdf <accessed April 20, 2014>

Urbinati, Sabrina (2012): The Role for Communities, Groups and Individuals under the Convention for the Safeguarding of the Intangible Cultural Heritage. *In* Cultural Heritage, Cultural Rights, Cultural Diversity. New Developments in International Law. Silvia Borelli and Federico Lenzerini, eds. Pp. 201–221. Leiden/Boston: Brill Publishers.

White, Sarah C. (1996): Depoliticising development: the uses and abuses of participation. Development in Practice 6(1): 6–15.

Wobmann, Fanny (2014): La torrée ou comment s'ancre une tradition dans un canton recalcitrant. *In* Complications neuchâteloises: histoire, tradition, patrimoine. Ellen Hertz and Fanny Wobmann, eds. Pp. 231–240. Neuchâtel: Editions Alphil.

Wobmann, Fanny and Ellen Hertz (2014): Patinage sur le Doubs: le paradoxe de la patrimonialisation. *In* Complications neuchâteloises: histoire, tradition, patrimoine. Ellen Hertz and Fanny Wobmann, eds. Pp. 221–229. Neuchâtel: Editions Alphil.

World Bank (1996): The World Bank Participation Sourcebook. Washington D.C.: The World Bank.

Wuhl, Simon (2008): La démocratie participative en France: repères historiques. Institut de recherche et débat sur la gouvernance. http://www.institut-gouvernance.org/fr/analyse/fiche-analyse-418.html <accessed May 30, 2014>

Between Society and Culture: Recognition in Cultural Heritage Contexts[1]

Stefan Groth
Centre for Global Cooperation Research, University of Duisburg-Essen

1   Introduction

This article is an examination of the relation between individual subjects and collective identities in democratic constitutional states and its bearing on anthropological debates on cultural heritage. In light of arguments for or against collective rights to cultural property (Carpenter, Katyal, and Riley 2009; Brown 2010; Smith 2007; Smith 2010; Waterton and Smith 2010; Meskell 2005) and international processes strengthening the role of collective identity, it investigates how and why the notion of communities as stakeholders in heritage processes introduces a number of analytic problems in the European context. The centering of collective identities leads to conflicts in the recognition of cultural heritage. Here, I argue that these conflicts obfuscate heritage processes, and that is necessary to rethink the relation between individual rights and collective identities by retaining a focus on subjective rights. This extension of heritage debates enables the productive inclusion of other sociopolitical debates on collective identities and subjective rights.

1.1 Conflicts in Heritage Research: Reified Identities, Isolated Interests, and Normative Gaps

One of these conflicts in the regulation of cultural property is the reification of collective identities and culture. It is argued in scholarly debates that in the course of heritage processes – such as UNESCO certifications or other administrative fixations of cultural practices – culture and social relations are codified to an extent that bounds creativity, constrains scopes for development and imposes ascriptions to groups that limit their autonomy (Noyes 2010; Meskell 2005). On the analytic level, this conflict results from a primary focus on tradition and collective identity instead of on intersubjective and dialogical processes. This is not to say that heritage debates necessarily essentialize culture or subscribe to notions of culture as holistic wholes. However, the debates understandably favor a foregrounding of cultural objects or practices and their relation to collectivities. This superordinated focus restricts the ways in which a critique of heritage processes is possible, and much speaks for a realignment of the said debates towards socially embedded individuals, rather than towards their productive efforts in creating and shaping cultural property.

A second conflict concerns the registers available for interpreting power relations in cultural heritage debates. While heritage and collective identity – read: supra-individual phenomena – are predominantly taken as a starting point, power relations and questions of legitimacy are often framed in terms of particular interests. "Motivations," "interests" and "intentions" are keywords in this area discussed regarding their political, moral or economic content situated "in" individual actors. Instead, more attention needs to be paid to the relation between individual motives and intersubjective discourses, and thus, to the trajectories of ascriptions to cultural goods and practices embedded in social value frameworks. I argue that, in order to grasp the thrust of sociocultural heritage processes – as they are, for example, entailed in the notion of the "authorized heritage discourse" (Smith 2006) – it is necessary to find a model that both theoretically and empirically incorporates the entangled spheres of individual autonomy and "intersubjectively shared contexts of life and experience" (Habermas 1997: 255). Consequently, I propose a distinctly relativist contextualization of cultural heritage debates, while maintaining a universalist theory of subjective rights in order to balance these two nodes.

Following from these first two conflicts is a normative conundrum fluctuating between a critique of authentic culture and its economic transformation, manifesting itself in terms such as "propertization" or "heritagization." This concerns the evaluation of heritage processes that should not stop at enumerating conflicts or perceived injustices arising from these processes, but should instead mediate between ethically charged life-worlds (or "culture") and the distribution of entitlements based on individually granted rights. I will contend that it is necessary, from

a normative perspective, to differentiate between these two levels to formulate a critique of heritage processes and to analytically approach such claims for collective rights.

These conflicts are not only of interest in scholarly debates, but also crucial for public discourse on cultural heritage. The misconceptions of community heritage that have been critiqued in anthropological debates can benefit from prior debates in social theory and shed light on the public perceptions of heritage and tradition by grounding them in the context of broader discourse on notions of individual rights and shared life-worlds.

1.2 Necessary Shifts: From Heritage to Action, from Communities to Legal Subjectivity, and from Regulation to Value Frameworks

The article proposes three analytic shifts to circumvent these false conflicts by drawing from debates on social struggles in democratic constitutional states over the last two decades (Honneth 1994; Habermas 1997; Benhabib 2002).

Firstly, it argues for the necessity to decenter cultural heritage by reconceptualizing its specificities and eliminating non-constitutive residuals. Heritage is a common social process that gains its characteristics from its reference to shared experience and its specific perception of a subjective stance.

Secondly, it proposes a move away from communities and collective identities as superordinate analytic categories and lays more weight on the individual as the constitutive element of society and as a focal point in heritage debates. In doing so, it opposes the view in heritage debates to move towards collectively-based rights (e.g. Carpenter, Katyal, and Riley 2009).

Thirdly, it suggests the embedding of debates on cultural heritage in a normative theory of recognition based on intersubjective interaction. By normative, I do not refer to a prescriptive or activist approach offering "right" or "just" solutions to deliberative claims, nor do I limit my analysis to a critique of the shortcomings of heritage regimes. Rather, normative relates to the "values and ideals […] actually embodied in the reproductive conditions of a given society" (Honneth 2008: 18, my translation). This situates normativity in social reality and interaction: Normative frameworks and values efficacious for a given society are of major interest, and these frameworks are accessible by studying social interaction (see Groth 2011, for normative stances regarding traditional knowledge in international negotiations). Thus, this article proposes to connect debates on cultural heritage with an analysis of sociocultural value frameworks.

2   False Conflicts in Heritage Research?

Heritage research, especially when focusing on community involvement in processes of certifying, protecting or preserving heritage, is challenged by a number of complex divisions creating conflicts on different levels. They concern the transformation of cultural artifacts and practices, as well as attributions of value and power to actors in the field of heritage. In the following, looking at three such core conflicts, I will show that these are partly based on a negligence of individual legal entities in heritage processes, and that these conflicts can be rephrased and approached from a different angle by integrating or foregrounding the notion of intersubjectivity into heritage debates.

2.1 Heritage and Collective Identity between Fundamental Rights and Administrative Measures

Issues of collective identity are at the core of heritage debates. This holds true for situations where minority groups claim rights for culture as well as for social majorities, assuring themselves of shared cultural practices. The notion of collectively held cultural inventories is also put forward in UNESCO heritage conventions and other legal instruments pertaining to cultural heritage or cultural property[2]: Transmission, creation and interaction are described as processes involving communities or groups. Individuals are at the center of heritage debates only in exceptional cases, and if they are, then with reference to or as surrogates for groups or communities. The common view is that heritage is based on collectivities, and that the power of heritage rests on collective memory and identity.

Questions of distributing entitlements to culture and heritage are subsequently framed as problems between collective identities or collectivities and legal or other regulatory frameworks. Questions about the ownership of native culture or cultural practice (Brown 2003; Noyes 2006) are questions about collective rights, about the distribution and regulation of knowledge and materialities between groups of actors or communities. Collective rights to culture are one of the central problems in national and international legal regimes.

One example of such types of conflict comes from the World Intellectual Property Organization's committee on traditional knowledge. Established in 2000, this committee deals with the question of how to deal with traditional knowledge, traditional cultural expressions and genetic resources linked to traditional knowledge within the frameworks of intellectual property (IP) legislation (see Groth 2012). Existing IP rights posit individual legal entities – organizations or

---

[2] The World Intellectual Property Organization's (WIPO) "Intergovernmental Committee on Intellectual Property and Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources," the Convention on Biological Diversity (CBD) with its Working Group on Article 8(j) of the convention, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) are of particular note.

individuals – as holders of rights with clearly defined boundaries. A person or a corporation holds a patent, and the legal attribution is clearly defined based on subjective rights to property. This legal ascription of property to individuals has a long-standing history in Western thought (MacPherson 1963) and is pervasive in most legal systems. Democratic constitutional states that are of import here, especially incorporate this conception that rests on well-established views of individual creativity and communal reproduction:

> Creativity and originality were the privilege of the bourgeoisie, while the masses were unoriginal and could only transmit the songs and tales of earlier generations. The art of the common people consisted only of copies. (Hafstein 2004: 79)

This dichotomy is constitutive for international (intellectual) property legislation as well (Groth 2012, 2011), despite current processes in international bodies dealing with cultural heritage and cultural property. Within these processes, the acknowledgement of collective cultural innovation and creation by "indigenous and local communities"[3] or "communities [and] groups"[4] is discussed and promoted by conventions. However, the central term – "community" – indicates the wariness of states to make more substantial concessions to the sovereignty and autonomy of these groups. The term indexes their weak legal position regarding the distribution and administration of rights to cultural property (Socha 2013).[5] Communities are not clearly defined as legal entities capable of holding rights. Their structures – legal status, administration, decision-making processes, election of representatives – are largely incompatible with the structures of IP legislation. This creates legal uncertainty as to who is allowed to draw and benefit from collectively held traditional knowledge or traditional cultural expressions, and as to how entitlements and benefits should be shared. Consequently, indigenous groups in South Africa, among other countries, have successfully established corporations to administer

---

[3] The term "indigenous and local communities" stems from discussion of the CBD; while its scope is not defined, it is part of Article 8(j) of the convention: "Each contracting Party shall, as far as possible and as appropriate: Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices." WIPO's committee has adopted the term in its working documents, albeit without a consensual definition of scope.

[4] UNESCO's 2003 "Convention for the Safeguarding of Intangible Cultural Heritage" uses the phrase "communities, groups and individuals." The latter term is in all cases but one in the convention prefixed with modifiers, such as "in some cases" or "where appropriate," signaling the convention's focus on the *collective* dimensions of heritage.

[5] There have been new developments in the CBD towards the inclusion of "indigenous peoples" as a phrase, with a majority of member states to the convention signaling their willingness to adopt this term that implies a greater autonomy or sovereignty of indigenous groups. No decision has been made on this, though, and recent discussions of the WIPO committee show the reluctance of many states to adopt the term on the international level (author's fieldnotes from February, 2014).

their cultural and natural resources in a more organized manner (Comaroff and Comaroff 2009). Furthermore, so-called "Biocultural Community Protocols" (UNEP 2009) have emerged in the context of United Nations debates on environmental protection and biodiversity negotiations. They aim to regulate the interface between international processes and collective resources, such as traditional knowledge about medicinal qualities:

> While international regulatory frameworks are important for dealing with modern global concerns such as biodiversity loss and climate change, their implementation requires careful calibration at the local level to ensure the environmental gains and social justice they are intended to deliver. The local implementation of environmental legal frameworks is most likely to lead to environmental and social benefits when ILCs have the right of free, prior and informed consent (FPIC) over any activities undertaken on their lands or regarding access to their traditional knowledge, innovation and practices (also referred to collectively as TK) and when they are able to ensure that any activities or benefit-sharing agreements reflect their underlying bio-cultural values. (ibid.: 9)

Community protocols and the economic corporealization of indigenous groups and other communities are solutions to problems of representation and accountability. They provide the legal and administrative requirements to gloss over the misfit between collective culture and legal frameworks based on subjective rights. In part, they also reshape the relation between creative individuals and their community by introducing new sociocultural dynamics based on these tools.[6] They allow new forms of cooperation in the realm of shared cultural practices, knowledge or properties, vividly illustrated by the exchange of common-pool resources (Groth 2013; Dedeurwaerdere 2010). However, these measures seldom introduce new fundamental categories of rights.[7] They are mostly based on the form of private contracts between legal entities and are not framed as constitutional rights for groups. The kind of tools and measures introduced by heritage conventions is, in this regard, more an administrative step than a move towards the acknowledgement of collective rights to culture. The fundamental concept of subjective rights is not challenged by these measures. As this is partly seen as insufficient, there are, accordingly, claims to introduce collective rights to cultural property both in scholarly debates (most prominently Carpenter, Katyal, and Riley 2009) and in international negotiations.[8]

---

[6] Part of this dynamic reshaping concerns the complex relations between indigenous artists, custodial communities and the art market; see Myers 2002.

[7] Exceptions to this are the constitutional amendments in national law in Latin American countries, such as Bolivia or Ecuador. An overview of the constitutional recognition of indigenous peoples around the world is compiled by the Australian NGO "Recognise" and can be downloaded at http://www.recognise.org.au/downloads/d4fd6f97faacb62d4f7f.pdf <accessed February 25, 2014>.

[8] Such claims are, however, disputed in international settings. The rationale behind this rejection is the concern that the sovereignty of states would be impeded by granting autonomy to indigenous

2.2 Imagined Communities: Politically Useful, Analytically Constricted

At the same time, anthropologists and folklorists argue that collective identities are constructions and that heritage and tradition are always socially made (Bendix 2009: 255; Kirshenblatt-Gimblett 2006: 194–195) and are not primordial categories. This argument references social processes affixing identities to groups of people and, by doing so, rejects essentialist views of culture as constitutive for individuals: It is argued that as heritage or culture are not natural categories but constructs, they do not accordingly constitute, predetermine or limit worldviews and practice. The notion of the community has, consequently, been aptly critiqued in scholarly debates about cultural heritage and cultural property (cf. Povinelli 2002; Noyes 2006). The negative aspect of the construction of communities is also illustrated in research on the impact of processes of heritagization on cultural performances (Tauschek 2010; Noyes 2006). The gist of many recent studies on heritage processes is that they are prone to elicit conflicts amongst bearers, holders or practitioners of "culture," as well as between them and the state (Bendix, Eggert, and Peselmann 2012). The political power and pragmatic usefulness of the community category for identifying groups of actors is only one aspect in this, albeit a central one. It facilitates the communication between collective identities and instruments such as UNESCO conventions and creates possibilities for groups to self-represent, either in the form of corporations or, to some extent, codified communities.

What results is a discord between the political usefulness and the analytic constriction of the notion of community. This discord is situated between the ontological status of communities as fixed entities and its function in political discourse. The former concept has been discarded by an anthropological critique of essentialism, but the latter maintains its function in heritage debates: Without collective identities, there are no normative claims to heritage or property based on collective identities.

There are two main scholarly thrusts in dealing with this discord. The first, mentioned above, postulates the necessity of collective rights to culture (Carpenter, Katyal, and Riley 2009; Meskell 2005) based on the argument that biocultural community protocols or the transformation of communities into corporations do not suffice the normative requirements of the situation. Proponents argue for a departure from an individual rights approach to cultural property and a shift from "personhood" towards "peoplehood" (Carpenter, Katyal, and Riley 2009: 1046) to meet the political claims of indigenous groups. This argument is challenged, however, by many of the negative dynamics outlined by scholarship about cultural heritage processes (Bendix 2009; Hafstein 2004; Noyes 2006). Moreover, the introduction of collective rights is a fundamental shift in legal practice that is – as will be shown below – not necessary.

groups beyond soft law instruments. Such a granting of autonomous status would go well beyond the currently widely found model of recognition of identity politics.

The second thrust proposes a relational perspective on cultural property. Drawing from the long-standing Hegelian thesis of mutual recognition, it poses that property concerns less the relation between individuals and objects, but rather the relation between individuals by means of objects (Hegel 2006; Kojève 1969: 3–30). By doing so, it aims to deconstruct heritage processes by pointing to pitfalls of legislation, outlining potential conflicts and power inequalities. A central reason for this shift from object to relation lies in the largely undefined quality of cultural heritage or property.

2.3 Externalities: What Is Needed for Cultural Heritage to Be Special

Research on heritage is challenged by the fact that "cultural heritage" is a vague and undefined concept that only gains meaning when it is being explicated and contextualized. Otherwise, it runs the danger of remaining an ambiguous set phrase. There is an indeterminacy of the notion of culture, and respectively of cultural heritage, both in transnational and local processes, making it necessary to approach the "content" of heritage from this relational perspective. On the international level, cultural heritage is negotiated in terms of ambiguous and universal principles or requirements; on the "local" level, what can be observed is primarily a self-referential definition of culture that specifies cultural heritage by alluding to a vague and popular concept of culture. While this partial knowledge and unspecificity about what cultural heritage is or can be is sufficient for the meta-cultural and political operations of cultural heritage production, such as the UNESCO certification processes, this approach is highly problematic from an analytic perspective. Problems arise especially in cases where cultural heritage is not negotiated between minority groups and society, but primarily from within society, as is the case for most western societies.

One problem concerns the fact that in order for something to become a specifically marked and valued practice or object, it needs to be "special" or different from more common objects or practices. Seeing that the production of heritage, thus, always entails the construction of difference, in cases where cultural heritage is negotiated within a society, this difference needs a point of reference that is different from common processes or structures in this society. Recourse is often taken to perceptions of "authentic" and non-corrupted traditions in contrast to complex and irrational life-worlds. In this instrumental relation to traditional objects and practices, tradition is constructed as something absolute that is not dynamic and changing, but essential, stable and authentic (Groth 2009: 37–38). This conception implies the false conclusion that the cultural object or practice has an "original" or "authentic" quality that is transformed into something else in heritage processes.

If the difference between special and common objects and practices cannot be produced by pointing to social inequalities or the misrecognition of minority groups, as is the case for many struggles for recognition, also in relation to cultural

heritage, it can be done by recourse to romanticized surrogate notions, be it of a cultural object or practice, or traditional patterns of social organization. Essentially, this misconception is visible in the notions of "heritagization" or "propertization" that point to some kind of transformative process with a beginning – romanticized notions of authentic traditions – and an end point – a transformed or vulgarized cultural heritage or property in current society.

However, one should, from an analytic perspective, avoid this ontological fallacy that sees heritage as a change in essence and that also creates a false dichotomy of culture and economy as separate spheres, that is, a differentiation of genuine or authentic cultural objects or practices, on the one hand, and the cultural object or practice changed by economic or political processes, on the other hand. What I mean by ontological fallacy is that culture is constructed as being external to social totality and authentic, and thus, external to the circulation of goods, to power relations, and so forth. Therefore, describing, or rather deconstructing, a process or processes having their origin in a state of dynamic, subversive or uncommodified culture, is then, in one way or another, appropriated and ends up as a coagulation of cultural heritage; this deconstruction then entails the essentialization of the object and rids it of a critical observation that is then used for its perceived commodity form.

Thus, the object to critique is the process of making something heritage and the result – cultural heritage, but the input, the origin, and the conditions and specificities that apply to it are not critiqued. However, culture does not have the potential to become a commodity, it has always been a commodity, at least in the context of industrialized nations. What has to be critiqued then is not only the end form or the process that leads to it, but also the imagined or constructed fluidity of culture as not-commodity. My point is not to contest that UNESCO or other institutions set in motion problematic processes and implications of safeguarding measures. My point is that neither UNESCO on the international level, nor actors on the local level commodify culture and give way to injustices and inequalities; rather, what I am claiming is that these processes, by way of their discourses of authenticity, legitimacy, universality, and originality, rationalize social conditions under which these injustices and inequalities are reproduced.

2.4 Decentering Heritage: The Relational Approach

I would argue instead that it is necessary to decenter cultural heritage by understanding it as a common social process. This follows the insight of heritage studies that social relations are key for an understanding of heritage processes, and that they have more to do with the relation between subjects, mediated by objects or practices, than with these objects or practices themselves. The demarcation between what is mine from what is yours has primarily a social dimension – without that demarcation there is no attribution of cultural heritage to start with, so that it is less the relationship between people and things but rather the relationship of peo-

ple with people by means of things or practices: To draw the distinction between oneself and an object, one needs to be self-conscious, but in order for this self-consciousness to exist, one needs to recognize other self-conscious subjects as such.

Accordingly, it is necessary to shift the focus away from a cultural object or practice as the center of heritage debates to the social actors and relations between them that are mediated by a cultural object or practice. Such an approach is grounded in the assumption of mutual recognition as the basis of socialization and society. The focus should be on social actors or groups of social actors and the processes they are part of and entangled in. What is needed is the analysis of a socially mediated notion of culture that reflects the specific embeddedness of culture and tradition in a given society. This means that the unspecificity of the notion of culture or cultural heritage needs to be countered not with definition, but with an explication of these notions in their specific context, meaning that it is necessary to trace the values and sociopolitical denotations in a specific context. This can be done, for example, against the backdrop of the specific genealogies of cultural heritage in the context of western societies, primarily because there are a number of ideational factors and presuppositions – enlightenment, the development of civil society, second modernity – that influence the course of cultural heritage processes. It has to be asked what the meanings and social implications of culture, and accordingly of cultural heritage, are in specific contexts. The analysis of cultural heritage processes has to take into account the relevant discourses and ideologies about culture, heritage and tradition, that is, it has to broadly contextualize the notion of cultural heritage in its social dimension. One then also has to refrain from employing a very broad and semiotic notion of culture to the benefit of a situated, much narrower notion, one of culture and cultural heritage in society.

An analysis of phenomena under negotiation and certification in the framework of "culture conventions" and other fora poses the challenge for ethnologists to then reformulate the cultural, and its specificities as well. If the social distinctiveness of culture is not taken into account, a critical perspective on culture as heritage is impossible without the danger of the fallacy of constructing a certified or appropriated cultural object as external to a social totality. This would lead both to the fallacious notion of culture as not-commodity and external to social power relations, and to a positive approach that looks at nomination after nomination without getting to a critique of underlying social processes and dynamics.

3   The Normative Blindness of the Relational Approach to Cultural Heritage

3.1   Can Deconstructed Communities Make Normative Claims to Culture?

The relational approach to cultural heritage and property is, in this regard, capable of grasping the complexities of its object. However, it makes it difficult to position itself vis-á-vis the normative claims of the communities involved. The reason for this is twofold: Firstly, the notion of communities as cultural entities is constricted to its political dimension. Communities are not conceptualized as social entities with *a priori* legitimization and practices or artifacts bound to their "essence." Rather, they are viewed as products of specific historic trajectories leading to social configurations of actors with political interests and shared cultural perceptions. The mediation of community relations by means of cultural heritage and cultural property has, in this regard, no substantial presupposition (such as a spiritual connection between bearer and object). The contribution of practices or artifacts to the social cohesion of communities has no added normative rationale which could be called on to justify claims for recognition. In this case, it becomes hard to argue for special rights for collective identities as their basis – both in terms of social cohesion and cultural practice – is de-essentialized. The normative rationale for any special protection can, thus, no longer reside in the cultural, but must rather be grounded in social or economic inequalities. In addition, as the focus is on the relation between actors, cultural heritage or property, and its relation to ethically shaped life-worlds remains largely undefined, leading to the ambiguity of culture outlined above. This ambiguity is caused by the disconnection between individuals and cultural practices or artifacts. If the notion of communities as meaningful entities is dismissed and their cultural heritage or property is conceptualized as being a social construction, cultural artifacts and practices lose their ties to those communities.

Of course, claiming rights on the basis of sociopolitical or economic inequalities can be understood as being an advancement in contrast to communities being limited to their culture in social struggles (Noyes 2010). However, this is problematic both from a pragmatic and from an analytic perspective. The concept of cultural rights, i.e. the right of groups or individuals to practice the culture they choose, the right to non-discrimination based on cultural identity, and so forth, resonates strongly in many societies and cannot be easily dismissed (Porsdam 2009). Furthermore, the relation between communities and cultural heritage is, despite their social construction, not arbitrary, but meaningful practice. There are, to refer to Jürgen Habermas, "identity frameworks" (1997) available for processes of socialization and enculturation, or "life-worlds" (Habermas 1981) constituting

interaction in cultural, social and personal spheres.[9] From an analytic perspective, the dismissal of both a normative and meaningful grounding of cultural heritage in communities would lead to a situation where the enumeration of conflicts or perceived injustices arising from heritage processes are the main scholarly statement. It would not be possible to evaluate claims for heritage based on collective identity, as there would be no criteria for such an evaluation (because "authenticity" of tradition and collective identity are viewed as social constructions).

3.2 Subjective Rights as Guarantee for Cultural Distinctiveness

Therefore, from a normative perspective, it is necessary to differentiate between an empirical and a theoretical level. The empirical level consists of ethically charged life-worlds – or "culture" – with communities claiming cultural heritage as being important to their identity. This level entails the perception of the social construction of such claims, but does not presuppose an *a priori* connection between communities and culture. From this perspective, communities are products of specific historic trajectories, resulting in configurations of actors with motivations. The main focus in scholarly debates on cultural heritage has been on this empirical level, making it difficult to evaluate normative claims to cultural heritage. Accordingly, much of the debate critiques the pitfalls of heritage processes, such as the construction of categories of "authentic" heritage and collective identity, but ultimately stops short at explicating the normative reasons for this critique. The other way round, if empirical findings draw heavily on normative claims, how can these findings be understood and analyzed without making reference to normative arguments?

It is essential to pay attention to the theoretical implications of the argument. The theoretical level concerns the distribution of entitlements based on individually granted rights. This is the key foundation of democratic constitutional states.[10] Subjective rights are central to normative claims, from this perspective. Such rights guarantee individual freedom and equality in democratic constitutional states on the basis of law. Subjective rights, and thus also democratic inclusion and equality, have been given priority over the preservation of cultural distinctiveness (Benhabib 2002) in debates in social theory on multiculturalism: They are not meant to guarantee collective identities. This does not, however, mean that the law does not take cultural rights into account. Rather, subjective rights guarantee individual choice (and not collective identity) to maintain cultural identities and practices not by collective rights, but precisely by prioritizing the individual and its subjective rights:

---

[9] The relation between a Habermasian life-world/system differentiation and the culture concept in European ethnology demands further attention.

[10] While I would limit my analysis to western states, this is of importance to settler nations as well, but will have to be contextually evaluated in further research.

[C]oexistence with equal rights for different ethnic groups and their cultural forms of life need not be safeguarded through the sort of collective rights that would overtax a theory of rights tailored to individual persons. Even if such group rights could be granted in a constitutional democracy, they would not only be unnecessary but questionable from a normative point of view. For in the last analysis, the protection of forms of life and traditions in which identities are formed is supposed to foster the recognition of their members; it does not represent a kind of preservation of species by administrative means. […] Cultural heritages[11] and the forms of life articulated within them normally reproduce themselves by convincing those whose personality structures they shape, that is, by motivating them to appropriate and continue the traditions productively. The constitutional state can make this hermeneutic achievement of the cultural reproduction of worlds possible, but it cannot guarantee it. For to guarantee cultural survival would necessarily rob the members of the freedom to say yes or no, which nowadays is crucial if they are to remain able to appropriate and preserve their cultural heritage. (Habermas 1994: 222)

Thus, subjective rights as a central principle also imply the protection of collective identity, and not the other way round. As Habermas argues, along with scholars like Seyla Benhabib (2002), the constitutional state allows for the differentiation of collective identities on the basis of subjective rights capable of providing the potential to maintain them, but not by constricting individuals to them.

3.3 Do Subjective Rights Imply Isolated Interests?

Issues of collective identity are at the core of cultural heritage debates, but it is crucial to situate the analytic thrust behind heritage movements not as the specificity of communities and collective identity, but within subjectivities. While a shift to an "intersubjective, dialogical understanding of the individual" (McQueen 2011: 2) in framing communities and "their" cultural heritage is essential, this shift does not only concern the level of subjective rights, entitlements or attribution of culture or tradition, but also the ways in which motives in heritage processes are framed. This is also laid out in the conception of life-worlds, as, although they prioritize subjective rights, they stress the mutual recognition of individuals in the realm of cultural heritage. However, by shifting the focus to social actors and the relations between them, in the case of cultural property mediated by a cultural object or practice, there is also the danger of using an atomistic model of society where separate actors or groups of actors pursue their specific interests or have specific motivations with regard to cultural property. It is, of course, a very compelling approach to ask why actors do what they do, or to ask what political or economic motivations guide them in their actions. As it is necessary to focus on the social genealogies and

---

[11] Note that Habermas uses a notion of "cultural heritage" (*kulturelles Erbe*) that is situated in an earlier debate on multiculturalism rather than in more recent debates on heritage.

embeddedness of cultural property in social dynamics, interests (or motivations) are not adequate categories for the analysis of social dynamics: They lead to a very utilitarian constriction of the behavior of actors, which is not at all conducive to the study of heritage processes (or any other processes). The premise of subjective interests (whether they are economic, social, political, or cultural) is too narrow and misses the intersubjective entanglements of subjects. As such it is not able to connect to the "everyday mesh of moral emotive attitudes" (Honneth 2008). Therefore, in the last instance, this premise is also unable to take a critical stance toward heritage dynamics, as it necessarily stops at positive description or "deconstruction" of heritage processes where networks of actors and interests are mapped, without making recourse to their entanglement in social values and dynamics. In the face of claims for heritage or specific heritage processes, such an approach is limited to stocktaking, and research on cultural heritage is at risk of restricting itself to the surface of heritage dynamics.

4   Towards a Normative Theory of Heritage

As an alternative approach that integrates the separation between the empirical and theoretical levels as well as the situatedness of cultural heritage, I propose to introduce the notion of "recognition," as used by Axel Honneth (1994), to the study of heritage processes in order to provide an analytic framework with which to make sense of competing claims for recognition. This model is able to provide a critical stance and a better analytic approach to heritage processes by redefining heritage as entangled in the social dynamics of mutual recognition.[12]

The central assumption of the theory of recognition is that the fundamental principle of society is that of mutual recognition: In order to become a subject, one has to be recognized by other subjects, and this relation is grounded on reciprocity, meaning that one has to recognize other subjects as well. In this sense, recognition has a double character, insofar as it both enables and restricts subjective identity (Honneth 1994: 20–53).

4.1 Honneth's Theory of Recognition: An Overview

There are three principles of recognition, and they can have both negative and positive manifestations.

The sphere of love or partnership includes so-called primary relations – between a parent and child or other intimate relationships (Honneth 1994: 153); they

---

[12] Unlike Nancy Fraser's understanding of recognition and redistribution, Honneth does not conceptualize recognition and redistribution as separate but entangled spheres, but argues that recognition relates to both cultural and economic status. Furthermore, Honneth uses recognition as an analytic notion in social philosophy, immanent in theory, and not as a political one for the support of social struggles as Fraser does, who sees the reason for the centrality of recognition in the increase of social struggles: the normative dimensions are fundamentally different (cf. Fraser and Honneth 2003).

are the place for learning the ability to take the perspective of someone else, where affection functions as a leap of faith of recognition (140). This sphere enables the subject to develop a fundamental self-consciousness that is a prerequisite to build social relations, to be a member of society; "being with oneself in the other" (*Sein-selbstsein in einem Fremden*, Hegel cited in Honneth 1994: 170). The positive aspect is that of self-confidence (Honneth 1994: 174), while mistreatment, such as torture or rape, can lead to the disruption of or damage to the self-consciousness (Honneth 1994: 214).

The social function of the second sphere – law – is to balance the relations of recognition between the members of society. The balance of mutual recognition can only be maintained by introducing legal relationships that guarantee individual scopes of action, insofar as individual subjects can express their autonomy without conflict (Honneth 1994: 176). In this second sphere of recognition, the social or common will claims its influence or restrictive power over the individual will. Contrary to many liberal contract theories, Honneth does not see law as something external to society that is introduced to a primal condition, but as already extant forms of recognition in the relation between individuals (Honneth 1994: 175–176). There is, thus, no atomistic idea similar to that in contract theories, but an embeddedness of subjects as moral actors in relations of recognition that are key for socialization. The guiding principle of this sphere is that of equality (Honneth 1994: 187), the positive aspect self-respect (Honneth 1994: 209), and, if violated, it leads to legal or social exclusion (Honneth 1994: 216–218).

The third sphere of social appreciation or solidarity relates to individual specificities, that is, to what makes subjects different from other members of society, such as special talents or characteristics; while the second sphere relates to general principles, specific characteristics are emphasized in the third sphere. In order to evaluate these differences, a shared system of values in a society, or a cultural self-conception is needed – a *Wertgemeinschaft* (Honneth 1994: 198) – which is exactly why the notion of cultural heritage needs to be related to social dynamics. The guiding principle of valuation for market societies is that of individual achievement or merit: The more the individual subject achieves, the more likely the increase in social and economic status (Honneth 2008: 16). Similar to the legal sphere, that of social appreciation constitutes the overcoming of traditional estates-based societies, where the individual is expected to comply to predetermined ways of living of typical social groups, and the ability to comply with the standards of social groups is valued. Instead, the individual subject in modern societies is evaluated by its specificities and individual achievements, and not by collective expectations that have to be fulfilled. Thus, modernity opens value statements up for disposition, as the social status of a person is no longer determined by the characteristics of the social group to which it belongs, but by their qualities as an individual (Honneth 1994: 199–210). The processes of individualization in modernity enable the pluralization of ethical standards and allow for the recognition of difference.

The principle of achievement in modern societies is introduced as a fundamental norm, alongside human rights and the recognition of basic needs. However, in contrast to the other two norms, it is also a legitimation of inequality: Differences in income, status or access are explained by individual achievements. While this principle is, of course, often perverted and not fully realized, for example, because of an inequality of opportunities, it marks a fundamental difference to estates-based societies, where social and economic status is predetermined (Honneth 1994: 198–199).

The sphere of social appreciation is always contested, as the cultural self-understanding of society is subject to constant change because the principle of achievement is open to interpretation. Thus, individuals and groups contest this frame of interpretation to claim recognition for their contribution, setting in motion social dynamics in the sphere of social appreciation that reinterpret social values and aims. (Honneth 1994: 197–198)

In this sphere, self-esteem is the positive manifestation of recognition (Honneth 1994: 209). If one is recognized for one's individual achievements, this leads to self-esteem. In contrast to traditional societies, the reciprocity of this relation of recognition is the reason for social solidarity that does not only tolerate the individual characteristics, but also has an active interest in their development for the purposes of superordinated social goals. The negative manifestation of recognition – the misrecognition of individual characteristics – would be that of insult or humiliation (Honneth 1994: 212).

4.2 Heritage and Recognition: Equality and Appreciation

The two latter spheres of law and social appreciation are of central interest to the relation between heritage and recognition. Following the assumption of cultural heritage as a mediator for social dynamics, claims for recognition in cultural heritage contexts in western societies are, thus, both about the principles of equality and cultural appreciation, that is, they are both about legal or procedural fairness of heritage instruments; and about social status. These two spheres are also entangled with one another.

Firstly, the sphere of law in cultural heritage contexts mainly concerns cases where there is a situation of recognition causing inequality between different social actors or groups of social actors. Here, claims for recognition are about compensating this inequality, and – in line with the principle of legal equality – about adjusting the legal sphere in order to rectify situations where inequality systematically occurs. This can be the case where heritage regimes have an influence on the legal status of a cultural object, practice or product, creating, for example, according to legal principles, unfair competitive advantages. Geographic indicators are one example of this, where heritage regimes might influence the market to an advantage for goods specifically flagged as being traditional or produced in a traditional way.

These claims can be framed as claims for social appreciation, but are, in the last instance, not so much about the construction of difference, but about equality, and thus, also about a rights-based approach to heritage.

While the sphere of law is certainly intriguing for the study of cultural heritage processes, especially seeing that claims for rights to counter inequalities are a major factor in cultural heritage and cultural property debates, the third recognition sphere of social appreciation is specifically suited to contextualize the notion of cultural heritage as part of social dynamics. What is special for claims for cultural heritage in western societies is a direct connection to the community of values, and this is one reason why it is such a successful concept. Heritage is construed as being typical, authentic or characteristic for a society, or better, for prior achievements of this society, in an original or better form. However, in order to claim special social appreciation, there needs to be the construction of difference, making the cultural practice or object special in some way. The discourse of heritage has found its criteria to specify these differences in the form of UNESCO conventions and other instruments that define the qualities that an object or practice needs to have in order to be considered heritage. This construction of difference within market societies is achieved by seemingly pointing to society itself – meaning that heritage is identical to society – and not to something else, something external. This conception entails the notion of cultural integrity, so that cultural heritage necessarily – and this is the first point – needs to be portrayed as authentic and – the second point – different from contemporary society. While the first point, the portrayal of authenticity or originality, reflects back to society, the second point, the difference from contemporary society, is externalized to "foreign" factors, such as globalization, homogenization and commercialization. This simultaneous internalization of positive difference – the original cultural heritage – and externalization of negative difference – the social circumstances in which it can be different – is a false dichotomy and dangerous fallacy as it stops its critique at mainly external factors, whereas both positive and negative differences are implicit parts of social dynamics. There is no reason why cultural heritage should be external to commercial processes, unlike any other aspect of social dynamics.

The recognition of difference in the sphere of social appreciation has its limits: It has the potential to be very successful as long as the legal sphere is not concerned and individual freedom is not touched. In cases where the principle of equality is violated, it reaches its limits, which is reflected in the "soft language" of cultural heritage-recognition: It is less about a rights-based approach and much more about recognizing, appreciating, etc.

4.3 Cultural Heritage and Individual Merit?

Nonetheless, the way that cultural heritage claims construct difference in the sphere of social appreciation in market societies is paradoxical, because the claims rely on traditional structures and expressions in the individualized sphere of social

appreciation that is fundamentally made possible by the acknowledgement of individual autonomy, and not of traditional groups or structures. Social appreciation in market societies is based on the principle of individual merit, and not on communal merits. However, cultural heritage processes justify the claims for recognition with recourse to traditional groups, necessarily including non-modern forms of social organization. Therefore, they challenge the very basic principle of the sphere of social appreciation: the centrality of the individual actor. While far-reaching claims that would also affect the sphere of law are likely to be denied in western society as they would violate the principle of equality, they can be successful in the sphere of social appreciation, and, considering the rise of cultural heritage claims, they actually are.

Nevertheless, in the context of cultural heritage, recognition in the sphere of social appreciation is shifted from being based on individual merit – the central principle of social appreciation in market societies – to the value of traditional practices. The legitimation of difference, in this case, is therefore, not based on the principle of individual merit and the acknowledgment of individual autonomy, but takes a communal shift to premodern structures or achievements. While the principle basically stays the same, the actors to whom it attributes value change, and the principle of equality are essentially violated by attributing merit or value to some sort of traditional social group. If the traditional practice of a group is specifically highlighted by the heritage regime, this difference – the thing that makes the group special and better and legitimizes their better social status – is not grounded on individual achievements, which is the guiding principle of market societies, but on communal achievement. This communal achievement, however, cannot be legitimized under the principles of market societies; therefore, struggles for recognition between different actors arise because the principle of equality is violated. There is no evaluative and valid principle in market societies that has the potential to regulate the hierarchization of different forms of cultural heritage, and thus, the attempt to integrate traditional organizing principles with market societies inevitably fails, and for a good reason.

It is indeed a paradoxical situation: A principle that is based on the individual subject is transformed to be applicable to a constructed group of traditional structure, but at the same time, the reason for this failed integration is not the market – or commercialization – but the fundamental principles of modern societies.

4.4 From Merit to Rights: Cultural Heritage as Legal Equality

This is the reason why it is not sufficient to look for individual interests or motivations, or to critique commercialization efforts in heritage processes. In this sense, commercialization is not a danger, but necessarily always already part of the cultural. Of course, commercial interests are part of claims for recognition, mainly in the sphere of law, according to Honneth's model, but the sphere of social appreciation plays a crucial role in heritage debates as well. It is, thus, important to analyze the

social circumstances that change the dynamics of recognition in a manner that merits not individual achievements, but takes recourse – or regresses – to premodern aspects in order to construct difference. Central to such an approach is the diagnosis of what Honneth calls social pathologies that facilitate such a shift to "communities" or "communal achievements": Homogenization, globalization, contingencies, insecurities, and risks are certainly some of the central factors that bring about a reorientation away from the individual subject and toward communal relations. In this sense, tradition under the conditions of modernity and in market societies fulfills a certain instrumental function as consolation for insecurities, and it is used to relate with the past in a way that makes the present appear more rational and lets one take comfort in the face of irrationalities, contingencies and risk – "tradition covers the wound in which it rubs the salt" (Adorno 1986: 313). However, it should be noted that the "suffering" as the reason for this re-orientation to the communal is not abolished by cultural heritage, but rather reproduced by replacing individual with communal achievements, while diminishing the centrality of individual difference. Therefore, discussions on cultural heritage should be less about the influences that cultural heritage regimes can have on culture, and much more about the very social conditions that facilitate the construction of difference with recourse to communal merit while, at the same time, constructing something external as the main threat to cultural integrity.

Honneth's model of recognition allows for two things useful for an analytic perspective on cultural heritage: Firstly, it facilitates an evaluation of normative claims to cultural heritage by referring to subjective rights rather than to collective identities. Insofar as claims for heritage are situated in the sphere of law and directed at legal equality, it is possible to evaluate these claims on the basis of fundamental principles of democratic constitutional states. This includes, as outlined above, the function of subjective rights as choice to practice or maintain a tradition, and following Benhabib and others, also the right to collective identities. Nevertheless, such an approach to collective identities is not based on essentialized conceptions, but on subjective rights. Secondly, insofar as claims for heritage are situated in the sphere of social appreciation, Honneth's model, by means of contextualization and an analysis of historic trajectories, allows for a normative evaluation of such claims on the basis of fundamental social principles of recognition.

5   Conclusion

Starting with the observation that there is a mismatch between collective rights to cultural heritage and legislation and legal philosophy in constitutional states, this article sought to demonstrate a discord between different conceptions of communities in heritage debates. Collective identities are a key foundation for heritage processes to function, but problematic from an analytic perspective. The discord between these two perspectives is what makes it difficult to formulate a substantial

critique of such processes, because the usefulness of the concept in political dis-
course is evaluated against its ontological shortcomings. Critique of heritage pro-
cesses, therefore, oftens find itself in a normative conundrum between the em-
powerment of disadvantaged minority groups and the refusal to essentialize these
groups. There are two main scholarly thrusts to counter this discord. One accepts
the political necessity of quasi-essentialization and calls for collective rights to cul-
tural heritage and property; the other, in a relational approach to cultural heritage,
stresses social dynamics and relations of cultural heritage rather than its objects.
However, this second notion of communities as social constructions, dynamic and
evolving in nature and with equally constructed ties to cultural practices requires an
extension towards a subjective theory of rights. Drawing from debates on multicul-
turalism over the last few decades, this article argued that such a reference to sub-
jective rights is necessary to make sense of normative claims in the realm of cultur-
al heritage without taking the step of claiming collective rights, leading to a political
quasi-essentialization of communities. Rather, it argued that subjective rights guar-
antee individual choice (and not collective identity) to maintain cultural identities
and practices not by collective rights, but by prioritizing individuals and their sub-
jective rights. In order to avoid an atomistic framing of normative claims as inter-
ests alongside this subject-centered view of heritage debates, an approach that is
grounded both in the empirical and ethical life-worlds of actors is needed. This will
take into account the centrality of subjective rights, and this article accordingly
proposed to draw from Honneth's theory of recognition to evaluate normative
claims to cultural heritage in constitutional states. This reframing of heritage de-
bates in terms of recognition allows for a contextualized analysis of claims for
culture in current society.

References

Adorno, Theodor W. (1986): Über Tradition. *In* Gesammelte Schriften, Vol. 10.1. Rolf Tiedemann, ed. Pp. 310–319. Frankfurt am Main: Suhrkamp.

Bendix, Regina (2009): Heritage between Economy and Politics: An Assessment from the Perspective of Cultural Anthropology. *In* Intangible Heritage. Laurajane Smith and Natsuko Akagawa, eds. Pp. 253–269. London: Routledge.

Bendix, Regina, Aditya Eggert, and Arnika Peselmann, eds. (2012): Heritage Regimes and the State. Göttingen: Universitätsverlag Göttingen.

Benhabib, Seyla (2002): The Claims of Culture. Equality and Diversity in the Global Era. Princeton: Princeton University Press.

Brown, Michael F. (2003): Who Owns Native Culture? Cambridge: Harvard University Press.

– (2010): Culture, Property, and Peoplehood: A Comment on Carpenter, Katyal, and Riley's "In Defense of Property." International Journal of Cultural Property 17(3): 569–579.

Carpenter, Kristen A., Sonia K. Katyal, and Angela R. Riley (2009): In Defense of Property. Yale Law Journal 118(6): 1022–1255.

Comaroff, John L., and Jean Comaroff (2009): Ethnicity, Inc. Chicago: University of Chicago Press.

Dedeurwaerdere, Tom (2010): Global Microbial Commons. Institutional Challenges for the Global Exchange and Distribution of Microorganisms in the Life Sciences. Research in Microbiology 161(6): 407–413.

Fraser, Nancy, and Axel Honneth (2003): Redistribution Or Recognition? A Political-philosophical Exchange. London: Verso.

Groth, Stefan (2009): Tradition und Wert: Die Weltorganisation für Geistiges Eigentum, Cultural Property und die Vorzeitigkeit von Tradition. Kulturen 2: 33–39.

– (2011) Perspectives of Differentiation: Negotiating Traditional Knowledge on the International Level. Journal of Ethnology and Folkloristics 4(1): 7–24.

– (2012): Negotiating Tradition: The Pragmatics of International Deliberations on Cultural Property. Göttingen: Universitätsverlag Göttingen.

– (2013): Allmendgemeinschaften und Cultural Commons in der Diskussion um kulturelles Eigentum. In: Kultur_Kultur. Denken, Forschen, Darstellen. 38. Kongress der Deutschen Gesellschaft für Volkskunde in Tübingen vom 21. bis 24. September 2011. Reinhard Johler, Christian Marchetti, Bernhard Tschofen, and Carmen Weith, eds. Pp. 59–65. Münster: Waxmann.

Habermas, Jürgen (1981): Theorie des kommunikativen Handelns. Frankfurt am
     Main: Suhrkamp.

– (1994): Struggles for Recognition in the DemocraticConstitutional State. *In*
     Multiculturalism: Examining the Politics of Recognition. Amy Gutmann, ed.
     Pp. 107–148. Princeton: Princeton University Press.

– (1997): Kampf um Anerkennung im demokratischen Rechtsstaat. *In* Die
     Einbeziehung des Anderen. Studien zur politischen Theorie. Jürgen Habermas,
     ed. Pp. 237–276. Frankfurt am Main: Suhrkamp.

Hafstein, Valdimar (2004): The Politics of Origins: Collective Creation Revisited.
     Journal of American Folklore 117(465): 300–315.

Hegel, Georg Wilhelm Friedrich (2006): Phänomenologie des Geistes. Hamburg:
     Meiner.

Honneth, Axel (1994): Kampf um Anerkennung: zur moralischen Grammatik
     sozialer Konflikte. Frankfurt am Main: Suhrkamp.

– (2008)Gerechtigkeitstheorie als Gesellschaftsanalyse. Überlegungen im
     Anschluss an Hegel. *In* Axel Honneth. Gerechtigkeit und Gesellschaft
     (Potsdamer Seminar). Christoph Menke and Julia Rebentisch, eds. Pp.11–29.
     Berlin: Berliner Wissenschaftsverlag.

Kirshenblatt-Gimblett, Barbara: (2006): World Heritage and Cultural Economics.
     In Museum Frictions: Public Cultures/Global Transformations. Ivan Karp et
     al., eds. Pp. 161–202.Durham, London (Online:
     http://www.nyu.edu/classes/bkg/web/heritage.pdf <accessed February 5,
     2015>)

Kojève, Alexandre (1969): Introduction to the Reading of Hegel: Lectures on the
     Phenomenology of Spirit. Ithaca: Cornell University Press.

MacQueen, Paddy (2011): Recognition, Social and Political. Internet Encyclopedia
     of Philosophy: A Peer-Reviewed Academic Resource.
     http://www.iep.utm.edu/recog_sp/ <accessedMarch 20, 2014>

MacPherson, Crawford B. (1963): The Political Theory of Possessive
     Individualism: From Hobbes to Locke. Oxford: Oxford University Press.

Meskell, Lynn (2005): Recognition, Restitution and the Potentials of Postcolonial
     Liberalism for South African Heritage. The South African Archaeological
     Bulletin 60(182): 72–78.

Myers, Fred (2002): Painting Culture: The Making of an Aboriginal High Art.
     Durham: Duke University Press.

Noyes, Dorothy (2006): The Judgement of Solomon: Global Protections for Tradition and the Problem of Community Ownership. Cultural Analysis 5: 27–56.

– (2010)Traditional Culture: How Does It Work? Concepts and Institutions in Cultural Property Working Paper Series 1: 1–5.

Porsdam, Helle (2009): From Civil Rights to Human Rights.London: Edgar Elgar.

Povinelli, Elizabeth A. (2002): The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism. Durham: Duke University Press.

Smith, Laurajane (2006): Uses of Heritage. London: Routledge.

– (2007): Empty Gestures? Heritage and the Politics of Recognition. *In* Cultural Heritage and Human Rights. Helaine Silverman and D. Fairchild Ruggles, eds. Pp. 159–171. New York: Springer.

– (2010): Ethics or Social Justice? Heritage and the Politics of Recognition. AustralianAboriginal Studies 2: 60–68.

Socha, Philipp (2013): Spielräume im Völkerrecht: Regional differierende Interpretationen der 'Begünstigten' in den draft articles des WIPO IGC. In: Kultur_Kultur. Denken, Forschen, Darstellen. 38. Kongress der Deutschen Gesellschaft für Volkskunde in Tübingen vom 21. bis 24. September 2011. Reinhard Johler, Christian Marchetti, Bernhard Tschofen, and Carmen Weith, eds. Pp. 99–106. Münster: Waxmann.

Tauschek, Markus (2010): Wertschöpfung aus Tradition: Der Karneval von Binche und die Konstituierung kulturellen Erbes. Berlin: Lit.

UNEP (2009): Bio-Cultural Community Protocols: A Community Approach to Ensuring the Integrity of Environmental Law and Policy. http://www.unep.org/communityprotocols/PDF/communityprotocols.pdf <accessed March 20, 2014>

Waterton, Emma, and Laurajane Smith (2010): The Recognition and Misrecognition of Community Heritage. International Journal of Heritage Studies 16(1–2): 4–15.

UNESCO's World Heritage Program: The Challenges and Ethics of Community Participation

Michael A. Di Giovine
West Chester University of Pennsylvania (USA)

1   Introduction

In the nearly fifty years since the 1972 World Heritage Convention was ratified, UNESCO's flagship preservation program has transformed itself from an initiative valorizing primarily national parks and Western-style monuments to the keystone of a robust World Heritage Program that seeks to engage different communities with a common ethical narrative of "unity in diversity." Yet UNESCO has been critiqued for its politicized and elitist nature; its inability to protect its World Heritage properties from militias such as the Taliban in Afghanistan and Ansar Dini in Mali, or from adverse governmental policies in Germany, Syria and Oman; for a rather late engagement with the tourism industry; and for the 1972 Convention's historical marginalization of descendent and indigenous communities (cf. Prott 2011).

Yet this chapter posits that we should view UNESCO's 1972 Convention as part of a broader World Heritage Program, a coordinated set of initiatives born out of the World Heritage Convention, which seeks to fulfill the organization's ultimate, utopian goal of producing "peace in the minds of men" (UNESCO 1945) by cultivating in individuals an ethical orientation towards human cultural diversity, through the idiom of heritage. The World Heritage Program should be seen not merely as a preservation initiative – despite language suggesting this – but as a fundamentally ethical framework aimed at slowly cultivating a new, and ostensibly more peaceful,

world system by appealing to communities at a grassroots level to responsibly embrace and act on a particular conception of heritage. This chapter interrogates UNESCO's true objectives, and the ways in which its initiatives progressively work towards meeting or refining them. It also examines the primary target "audiences" of the World Heritage Program, and they ways in which UNESCO has changed in its mode of appealing to them. Last, the chapter also questions the ethics surrounding such participation at the local, grassroots level.

2   The World Heritage Program

As an intergovernmental organization composed of nation-states, it is clear that UNESCO is foremost a political organization. Founded in 1945, UNESCO is the self-described "intellectual agency" of the United Nations[1] whose aim is to structure and coordinate peaceful relations among nation-states. While the United Nations itself is involved in an exceptionally wide range of political activities, UNESCO is more focused on the promotion of policies and programs that aid in promoting peaceful relations through intellectual and cultural means (see UNESCO 1945). Furthermore, these programs are specifically intended to engage individuals at the grassroots, rather than simply the structural, level; the Preamble to UNESCO's Constitution (1945: 1) states that "a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind." Yet while Cameron and Rössler call the World Heritage Convention "UNESCO's flagship program" (2013: 244) precisely for its visibility, popularity and manifest success in engaging individuals, it is argued here that the Convention represents just one component in a broader Program, an assemblage of legal, policy, and technical initiatives that deals with the designation, preservation, and presentation of particular heritage sites to satisfy UNESCO's ambitious goal of world peace.

By World Heritage Program, I mean the structured ensemble of interlocking initiatives by UNESCO which, through Conventions, declarations, proclamations, norms and projects, represent a coordinated and evolving effort by UNESCO to universalize the discourse and practices concerning heritage, its preservation, and its utilization, for the ethical aim of fostering "peace in the minds of men" through an active appreciation and internalization of the historical nature of human diversity. While in the years following the end of the Second World War there were a number of notable preservation and anti-looting initiatives by UNESCO (see, for example, UNESCO 1954, 1962, 1970a, 1970b), as well as by powerful nation-states such as the United States and Great Britain, for the purposes of this definition the World

---

[1] http://en.unesco.org/about-us/introducing-unesco <accessed January 7, 2015>.

Heritage Program formally begins with the ratification of the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage* ("World Heritage Convention"), and progressively reaches its fullest articulation in the ratification of the *Convention for the Safeguarding of Intangible Cultural Heritage* (UNESCO 2003a). Indeed, the conventions prior to 1972 were concerned with specific issues relating to the protection of cultural property, particularly in wartime, and did not include the same universalizing processes and ethical mandates as this Program does. Thus, unlike other analyses that see UNESCO's three heritage-related Conventions as separate, albeit related, initiatives, this chapter argues that we should view them as components of a broader program that gradually refine and shape the way in which UNESCO appeals to its constituencies or "audiences".

There are, of course, good reasons for viewing UNESCO's conventions as separate entities, not the least of which is that they themselves are three different international treaties that address different aspects of heritage. Indeed, only the 1972 Convention explicitly features the term "world" in it, though the others are written with similar ethical language concerning the "universal" imperative to safeguard heritage. Furthermore, each treaty is a historically situated product of evolving needs and worldviews of the international community, and, as separate political documents, States-Parties must ratify each one individually. While as of 2014, 191 countries have ratified the 1972 World Heritage Convention – two short of the total number participating in the United Nations general assembly – 161 states have ratified the 2003 Intangible Cultural Heritage Convention, and only 48 have ratified or otherwise "accepted" the 2001 Convention for the Protection of Underwater Cultural Heritage.

Based purely on the number of signatories, one could argue that the impact of these Conventions is unevenly distributed across the world. Yet uneven distribution of various components in a program does not in itself call into question the integrity of the whole; rather, each component can be viewed as an alternative instrument for targeting new and changing "audiences" for the project (including new demographics of domestic and international tourists), as well as addressing (or even reflecting) particular shortcomings in the project at the period in which the successive Convention was ratified. To wit, the World Heritage Convention greatly overrepresented Europe in its first five years of designating sites (1978-1982), while the previous five years (2010-2014) have seen a greater percentage of Asian and Pacific sites listed (see fig. 1).

This change corresponds to, on the one hand, an articulated shift in strategy for engaging diverse nation-states (see UNESCO 1994), while, on the other hand, it also reflects a more recent shift in the economic and diplomatic power of China, India and Southeast Asian countries on the world stage, as well as a concentrated effort on the part of these nation-states to capitalize on the valorizing effect of the World Heritage brand (Dewar et al. 2012; Ryan and Silvanto 2011; King and Halpenny 2014). It also corresponds to the boom in domestic and international travel in and from East Asia in the past five years – that is, a demographic shift in the primary

audience, or consumers, of World Heritage sites. Indeed, it was only in 2003 that China provided for free movement of its citizens outside of the Asia-Pacific region; only Turkey and Egypt had been approved destinations (Anderlini 2010). In the period between 2008 and 2014, Chinese outbound tourism has nearly doubled (UN-WTO 2014: 89), and in 2012 Chinese travelers became the top spenders ($102 billion), surpassing Germany ($83 billion) and the United States ($82 billion). According to the UNWTO (2013: 13), developing nations in general represented the highest growth rates in expenditure. Last, this shift in the percentage of World Heritage site designations from Asia also seem to mirror a general trend of global touristic "popularity;" the Asia-Pacific region has been since 2010 the fastest growing region in terms of inbound tourism, and China itself is now the third most popular destination in the world, surpassed only by France and the United States (UNWTO 2013: 6). These shifts are also related: Since travelers tend to visit destinations within their own region, as more Asians travel, Asian destinations increase in popularity, earning a higher share in tourism receipts (UNWTO 2013: 12).
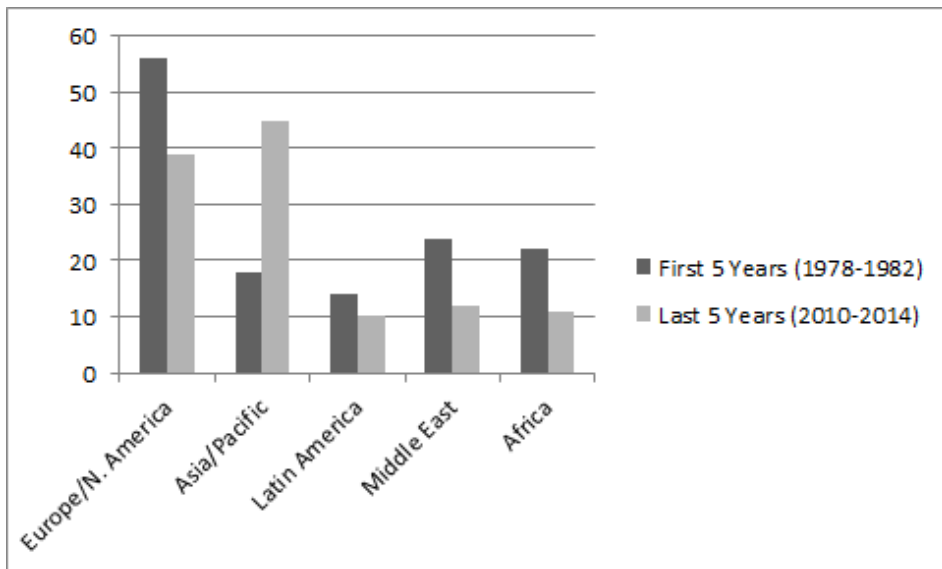

Fig. 1: Comparison of the number of world heritage designations by region in the first five-year period (1978-1982) and the most recent five-year period (2010-2014). Note: UNESCO counts Israel as Europe, rather than the Middle East.
Source: Author's elaboration of the WH List, http://whc.unesco.org/en/list <accessed January 7, 2015>.

As with any organization's ongoing programming, therefore, the World Heritage Program is subject to evolution according to the changing needs, attitudes, perspectives, and available resources of the group and its audiences. Heritage, too, is a continually evolving concept – one that is historically situated, reflecting the changing worldviews and operational necessities of those who employ it in discourse and practice. Originally adopted from the exclusionary, kinship-based concept of inheritance (Graburn 2001) to denote the patrimony of a "modern" nation-state (Harvey 2001), heritage has been appropriated by UNESCO as an ostensibly inclusionary concept that could appeal directly to individuals' post-modern proclivities towards experiential engagements with the past through artifacts, reconstructions, and, importantly re-enactments of rituals, historical events, and traditions (Harrison 2013). Although the process of selecting, designating, and listing some things and not others is inherently exclusionary (Hafstein 2009), I have argued that UNESCO's World Heritage Program is a "global placemaking endeavor" that attempts to satisfy UNESCO's goal of creating "peace in the minds of men" through "reordering individuals' sense of place the world over – so that no longer do they base their identities on conflictual territorial distinctions predicated on narratives of possession, but on the recognition and celebration of diversity at the individual level;" this new "imagined community" (Anderson 1991) I termed a global "heritage-scape" (Di Giovine 2009a: 33).

As an intergovernmental organization, UNESCO relies on nation-states and their community-specific instruments (such as legal treaties and policy briefs) to carry out the World Heritage Program's initiatives and governance, but the Program itself operates within a broader "field of heritage production" (Di Giovine 2009a: 9–15; cf. Bourdieu 1993). The field of heritage production is a structured, totalizing set of relationships, often in conflict, that order a diversity of "epistemic communities" (Knorr-Cetina 1999) – stakeholder groups that have their own knowledge bases, understandings, and needs – who struggle to stake their claim to, define, and ultimately utilize, the discourse of heritage or a particular crystallization of heritage in the form of tangible sites or intangible traditions. Rarely are these epistemic groups solely focused on the one site per se but rather have specific uses for it in their broader objectives; when their interests fall within the field of production, these groups will stake out claims, or positions, regarding the site in relation to the other groups. The multilayered, simultaneous acts of positioning and position-taking are dialectically dependent on one another; the internal struggles within each group depend on the correspondence they have with the external struggles within the broader field and, likewise, these macroscopic struggles often find their protagonists in certain dominant individuals within the various groups who put a public face to their group's position. Although these groups are in near-constant conflict (though to various degrees) they can also become "adversaries in collusion" (Bourdieu 1993: 79) when they align against the positions of other groups.

Fostering world peace is clearly utopian; it is a goal that could be attainable in the long-term, if at all, and seems to be incumbent on successfully ensuring – in the medium-term – the preservation of cultural heritage and sustainable development of

infrastructures that are conducive to perpetually consuming it. It takes, above all, navigating – and dominating – the field of heritage production. Yet to navigate this complex field, the World Heritage Program has increasingly evolved to appeal to diverse groups of individuals. Leaving aside the governmental bodies with whom UNESCO directly engages, its World Heritage Program counts its "target audiences" as: experts with whom they directly engage to carry out their preservation-oriented goals; heritage consumers (specifically tourists); and local peoples whose operational understandings and uses of heritage sites frequently conflict with UNESCO's. How they appeal to these particular communities, and through what means, and to what ethical outcomes, will be examined in the next section.

3   Governmentality and Ethics in UNESCO's World Heritage Program

While UNESCO's World Heritage Program is intended to appeal to the individual at the grassroots level, it is foremost a political organization. From an anthropological perspective, "politics" refers to the ways in which groups are structured according to power relations that subsequently impact and shape human affairs. It is often conceived in terms of what Michel Foucault called "governmentality": the structured set of institutions, processes, and tactics of an administrative state or organization aimed at exerting power over a particular target population, often effected through "apparatuses of security" (1991: 102–103). Power can be both coercive and persuasive – that is, articulated through the ability of leaders or groups to compel people to act in a particular way, either through direct, physical means or through indirect influence. Indeed, Foucault, perhaps one of the most vocal theorists of power and politics, has argued that power should not be conceived solely in the remote and extreme sense as coercive, embodied in nation-states and its leaders, but also in the ways in which their influences affect "immediate everyday life which categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and others recognize in him" (1982: 781). It subjugates, yes, but it also makes subjects of individuals in their own right.

Governmentality is an organizational principle of UNESCO, which, it should be recalled, was founded in the wake of World War II and coincided with the implementation of the Marshall Plan and U.S. President Harry S. Truman's (1949) famed Point Four policy, all of which were concerned with global reconstruction and development for international security interests. While these plans took an economics-heavy, top-down approach to development, UNESCO was to delve beyond traditional diplomacy and economically oriented programs, and engage with publics at more intangible levels:

> For this specialized UN agency, it is not enough to build classrooms in devastated countries or to publish scientific breakthroughs. Education, science, culture and communication are the means to a far more ambitious goal: to build peace in the minds of men (UNESCO 2003c: 1).

In the past decade, a growing number of publications have looked at the macropolitics behind UNESCO's World Heritage Program, especially from the standpoint of governmentality. Ilcan and Philips (2006: 59, 61) in particular discuss how UNESCO's programs aimed at creating a "culture of peace" governs populations in terms of "rationalities of security," which are embodied in diverse declarations, programs of action, information-sharing practices and capacity-building initiatives that aim to "prepare minds and bodies for a particular notion of peace" that affects a wide array of political, social and cultural life. Schmitt argues, in fact, that the World Heritage Convention is an example par excellence of "global cultural governance" – "societal governance and regulation of cultural expressions and cultural orientation systems" (2009: 103). UNESCO does this by explicitly linking the preservation of tangible and intangible culture metonymic of a group's unique heritage with global security by essentially creating an international consensus of the sites' "universal value," and therefore of the collective responsibility for safeguarding them. It effects this through the engagement of experts – scientists, religious leaders, and politicians – who shape discourse and structure practices through normative laws, preservation and museological endeavors, and proving "technical assistance."

In theory, ensuring the security of these sites would ensure the peaceful recognition of "unity in diversity," and, therefore, of the broader security of the world order. Such multiculturalism internationalized on a global scale (Di Giovine 2015), in which reified (and politicized) notions of culture as a bounded entity – rather than a constantly changing set of beliefs and practices – are established through a combination of expert discourse and technocratic practice, have led scholars such as Wright (1998) to argue that UNESCO politicizes culture. Yet this process also necessitates a "scientization" of culture; rather than being a loose set of beliefs and practices, it is rendered something that can be deconstructed and reconstituted through expert intervention and technical training. Both of these come together to "responsibilize" populations (Ilcan and Phillips 2006: 64): UNESCO wishes to create publics who understand, and act in a responsible manner towards, cultural diversity. Yet the politicized nature of UNESCO may muddle these processes; a senior advisor to UNESCO commented that UNESCO's "main difficulty" was that the organization's "heterogeneity of the different constituencies," represented by member-states' "diplomats", impeded the development of a "truly independent and critical social science in UNESCO" (62).

Indeed, the hegemonic influence of powerful states and their knowledge systems is palpable. Bertacchini and Saccone (2011) have shown that wealthier countries nominate more sites, and have a better chance of serving on the World Heritage Committee (who ultimately decides on the nominations), than poorer or politically

unstable ones. Yet we should be careful not to equate this exclusively with "Western" countries. For example, Fig. 1 reveals that changes in the geographic composition of new sites reflects changes in geopolitical power relations; while in the twentieth century Western states dominated the designation of World Heritage properties, new and emerging nation-states – particularly China – seem to be creating new alliances within the selection committees that are producing results that diverge from those of the past. Furthermore, even though UNESCO may provide more space for minority voices than other U.N. organizations, Labadi (2013) points out that minority groups – especially women and indigenous communities – are still largely excluded from much of the heritage process.

However, most political analyses have failed to adequately emphasize the World Heritage Program's ethical nature (cf. Omland 2006). In the most general sense, "ethics" concerns right or wrong action, "the moral correctness of specific conduct" (Ethics 2013). As McCabe states, ethics "is not simply about how to talk about being good, but is intended to make people good as well" (2005: 49). That is, rather than being descriptive, it is prescriptive and future-oriented. Ethics is what "ought" to be done, not what "is the case" or most acceptable, Preston argues. It is "concerned with how people *ought* to behave and suggest how social behavior can be improved" (2007: 16, emphasis in original).

Preston's definition is applicable to analyses of UNESCO's World Heritage Program on two levels: First, it is future-oriented, aimed at changing – and improving – global social relations, and second, it regards the regulation of interpersonal relations – how people "ought to behave" when they come into contact with each other – or, as UNESCO's documents make clear, when they come into contact with cultural diversity (Di Giovine 2015). UNESCO's Constitution reveals both of these aspects, particularly in its Preamble, which outlines the premises undergirding the foundation of UNESCO (UNESCO 1945; emphasis added):

- That since wars begin in the minds of men, it is in the minds of men that the defences of peace *must be* constructed; …
- That the wide diffusion of culture, and the education of humanity … constitute a sacred duty which all the nations *must fulfil* in a spirit of mutual assistance and concern;
- That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace *must therefore be founded, if it is not to fail*, upon the intellectual and moral solidarity of mankind.

These are not simply lofty statements, but an action plan for governance and the regulation of cultural expressions. To foster international security, the "intellectual and moral solidarity of mankind" must be cultivated through facilitating proper

communication among peoples, and inculcating an ethical "spirit of mutual assistance and concern" through the "wide diffusion of culture" – which it specifically considers a "sacred duty" (UNESCO 1945). In the case of the World Heritage Program, culture can be widely diffused through the creation of a global system of heritage sites and intangible practices – the heritage-scape. While the word "heritage" does not appear in UNESCO's Constitution, Article I specifically notes that the "wide diffusion of culture" and education "concerning each other's ways and lives" includes "assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science" (UNESCO 1945).

Furthermore, these words make it clear that peacemaking begins in the minds of individuals, rather than in the embassies of nation-states, and therefore the organization's first goal is to produce and disseminate an appropriate body of knowledge that can later lead to the appreciation, safeguarding, and peaceful interaction with cultural diversity (see UNESCO 1972: 1). This is governance in the true sense of the term: the inculcation of a particular ideology, articulated through discourses of security, and regulated through norms and expert judgments. Evidence (tangible objects and intangible practices) of cultural heritage become vehicles for such a process.

4 The History of the World Heritage Program: From Politics to Ethical Action

The 1972 World Heritage Convention intimates that UNESCO had already been involved in a number of concrete initiatives concerning cultural preservation as outlined in Article I of the organization's constitution, but they had been largely inadequate in fostering an ethical mentality towards culture among lay people across the world. These initiatives were primarily international treaties that utilized through top-down, legal approaches to protect cultural heritage in specific instances (see UNESCO 1954, 1970a), which built on earlier peace conventions. UNESCO recognized, however, that these treaties lacked true universality, a way to fulfill UNESCO's overriding mission of producing and diffusing knowledge to individuals at a grassroots level (1972: 1). UNESCO's 1962 *Recommendation Concerning the Safeguarding of the Beauty and Character of Landscapes and Sites*, which outlined best practices for conservation, was also inadequate; while it was the first document to truly articulate UNESCO's stance on the universality of safeguarding properties (Di Giovine 2009a: 313), it was simply a policy statement with little capacity to affect change. So, too, was UNESCO's impassioned treatise, *Protection of Mankind's Cultural Heritage* (UNESCO 1970b). It thus became clear that it would be "essential…to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods" (UNESCO 1972: 1).

The World Heritage Convention's actual emphasis on the "collective protection," through scientific means, of certain sites that were universally recognized for their value, emerged from two early successes in public diplomacy in which UNESCO mobilized disparate groups to undertake costly, technologically advanced conservation efforts irrespective of the countries in which they were located. The first project was the now-well-known program to save the Nubian temples of Abu Simbel (created during the reign of Pharaoh Ramses II, 1303-1213 BCE), which would have been completely submerged underneath a reservoir for the Aswan High Dam if UNESCO had not spearheaded a $42 million dollar project that involved cutting the temples into 20-ton blocks and relocating them atop a man-made mountain overlooking the original site. $80 million were raised – nearly double the amount needed – from Egypt, the United States, and 50 other countries (Berg 1978). The episode of Abu Simbel had a profound effect on the future of World Heritage, and UNESCO proclaimed it "a triumph of international solidarity" (UNESCO 1982). For UNESCO, it revealed the strong emotional relationship that such heritage properties – and the prospect of their transience – could exert on the international community, irrespective of national origins, and brought nations and experts together for the common goal of researching, and preserving, these monuments. Today, despite their precarious location, Ramses II's temples at Abu Simbel are one of Egypt's main tourist attractions, with visitors traveling to the top of the mountain in buses, caravans and even private aircraft.

While the threats to Abu Simbel were man-made, and deeply implicated in Cold War politics, UNESCO's next preservation attempt was in response to a natural disaster: the devastating flooding of Florence and Venice in 1966. Following appeals from the Italian government for assistance, a resolution was passed founding the Campaign for Florence and Venice (UNESCO 1966: 64), in which UNESCO played an active role in raising international awareness for the city of Venice (UNESCO 1967: 17; Cuvillier & Thompson 1993: 7). As a result of its ongoing campaigns, fifty organizations would be formed, and UNESCO would carry out comprehensive sustainability studies, scientific research, and art inventories (UNESCO 1968; Cuvillier & Thompson 1993: 11–12); over twenty countries (predominantly from the developing world) would even issue "Save Venice" stamps with UNESCO's logo on them.[2] Although materially unsuccessful – proposals continued to be contested until the official groundbreaking of the MOSE project in 2003 – it has become one of the most enduring and financially profitable material conservation project in history, and has helped to found such well-regarded historic preservation NGOs as Save Venice, Inc. and World Monuments Fund.

---

[2] A cursory search of stamps (primarily issued between 1971-1972) from the Save Venice campaign yields the following countries: Algeria, Bulgaria, Burundi, Cameroon, Chad, Cuba, Dahomey (current-day Benin), Gabon, Iran, Italy, Ivory Coast, Monaco, Niger, Pakistan, Romania, Senegal, Syria, Togo, Tunisia, Vatican City, and Yemen.

These two events bookended a White House conference called for the creation of a "World Heritage Trust" to engage the international community in the preservation of exemplary sites "for the present and future of the entire world citizenry" (qtd. in UNESCO 2008: 7). A plan of conservation was adopted which was similar to that of the U.S. National Parks service; in 1968, the International Union for the Conservation of Nature (IUCN) followed suit in adopting a similar framework for its membership. These proposals were combined in 1972, when delegates to the United Nations Conference on Human Environment in Stockholm called for a new Convention that could better ensure the safeguarding and management of cultural and natural properties. Later that year, it became the World Heritage Convention spearheaded by UNESCO; IUCN and two cultural heritage preservation organizations present at the conference, ICOMOS and ICCROM, were made expert 'Advisory Bodies'.

UNESCO's World Heritage Convention, ratified in 1972, deals squarely with Article I in the 1945 Constitution and addresses the responsible treatment of cultural heritage. However, the discursive model in its own Preamble is more complex than the 1945 document. It begins by listing its premises in the present-tense, which is more descriptive and conveys the immediacy of the various threats to the world's cultural and natural heritage. Monuments are "increasingly threatened," leading to their destruction which "constitutes" a universal impoverishment of culture. Coupled with these external threats are internal, structural ones: their protection "remains incomplete" because of nation-states' inadequate resources. In the next two points, it explicitly links itself to UNESCO's founding Constitution and its projects – in the process shifting from the present tense to the future-tense; it reminds readers that UNESCO's Constitution "provides" (present tense) that UNESCO "will maintain, increase and diffuse knowledge" (future tense) by assuring the conservation and protection of the world's heritage and creating international conventions which already "demonstrate" (present tense) the importance of preservation. It then ends by invoking a future-oriented idea of cultivating interpersonal relations: these sites "are" of interest and "therefore need to be preserved;" it is "incumbent on the international community to participate" in this convention which "will serve" to complement their present efforts. With these words, the World Heritage Convention builds on the ethical orientation of UNESCO's Constitution, and applies it to a concrete crisis. When it does utilize the future-tense, it is done to propose a specific ethical framework concerning the use of cultural heritage.

Compare this to the latest Convention in the Program, the Intangible Heritage Convention (IHC) (UNESCO 2003a) – which, in a nod to anthropological notions of culture as a group's set of behaviors and ideas that is learned and passed on, shifts focus from natural and built sites to more ephemeral traditions and behaviors and practices. The 2003 Convention does not utilize the future tense at all in its Preamble. Rather, it refers back to, and builds on, the tenets of the World Heritage Convention, as well as other declarations that focus squarely on the rights of individuals

and their cultural practices (such as "folklore") – and associates them with the present-day, growing crisis concerning the perceived loss of traditional, intangible cultural practices and the marginalization of minority voices in the World Heritage Program. It explicitly links the "deep-seated interdependence between intangible cultural heritage and the tangible cultural and natural heritage" and cites the far-reaching initiatives of UNESCO, including the 1972 Convention, before launching into a similar declaration of the threat of globalization and social transformation on cultural heritage. Importantly, this statement is written in the present tense ("recognizing that…"), and utilizes terminology typically applied to material sites: "deterioration," "disappearance" and "destruction". It also twice states the Program's ethical orientation: it must be the "common will of the international community" to protect these sites. However, where it explicitly adds to the discourse on universal cultural heritage is its statement on which communities are directly responsible for its safeguarding: "indigenous communities, and, in many cases, individuals" who produce these cultural resources. Lastly, it argues in two places that no effective instrument protecting this particular form of heritage exists thus far, despite the current need.

Thus, while the Intangible Heritage Convention clearly builds on, and complements, pre-existent instruments in the World Heritage Program, it still possesses an ethical framework; it is a major document that addresses a number of the most problematic aspects of the World Heritage Program to date – namely, how to expand the Program's reach among diverse populations of individuals who, spread across the globe often espousing diverse ethical orientations, uses and conceptions concerning heritage. Indeed, the IHC can be seen as the culmination of a process of "opening up" and "democratizing" the concept of world heritage. That is, it is an elaboration, application, and even political articulation (see Hafstein 2009) of the Program's ethical framework that already had been in the process of transformation, and that underlay the goals of the Program as a totality.

5   The World Heritage Program: Expanding its Reach

To understand the World Heritage Program's gradual "opening up" or process of "democratization," it is opportune to examine some of the major initiatives in the Program as a whole, which go beyond the promulgation of conventions. As fig. 2 shows, there have been a number of initiatives within the World Heritage Program that aimed to expand its reach, or "audience base," both quantitatively and qualitatively. On the one hand, the roughly fifty years of the Program has seen initiatives aimed at designating higher numbers of cultural and natural heritage forms (tangible and intangible) in higher concentrations across more populations throughout the world; this can be thought of as quantitative or "horizontal" expansion – that is, an expansion of the breadth of the Program's reach. On the other hand, it has been increasingly evident that horizontal expansion cannot engage all peoples in a given

geographic area equally; for this, qualitative changes that could diversify the Program's offerings would also be necessary. Such changes expanded the depth of penetration of the Program in a given area by reconceptualizing the very elements of heritage that could be considered to be universally valuable, thereby appealing to diverse populations within a particular geographic area.

DATE	INITIATIVE
1972	World Heritage Convention ratified
1978	First Operational Guidelines created to coordinate early additions to the WH List
1989	UNESCO issues its Recommendation on the Safeguarding of Traditional Culture and Folklore
1992	World Heritage Center created in Paris to oversee day-to-day organization
1992	Concept of "cultural landscapes" integrated by WH Committee
1992	Research leading to the Global Strategy begun
1993	Nara Document on Authenticity adopted
1994	Global Strategy adopted
1996	"Our Creative Diversity" – report on intangible cultural heritage – produced
1997	Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity program launched by UNESCO Research concerning a "standard-setting instrument" for ICH begun
1998	WH Committee votes to change the operational guidelines to allow for inclusion of "traditionally" managed site
1999	UNESCO holds its first workshop at the International Tourism Exchange (ITB)
2001	Creation of the World Heritage Sustainable Tourism Programme
2001	Convention on the Protection of Underwater Cultural Heritage ratified
2002	Budapest Declaration ("4 C's")
2003	Intangible Heritage Convention ratified
2007	UNESCO adds "community" to the Budapest Declaration's list of "c's"
2008	World Heritage Convention's 40th anniversary celebrations: "Get involved- visit responsibly-volunteer"

Fig. 2: Major initiatives aimed at expanding audience participation in the World Heritage Program

The earliest and most self-evident form of the Program's expansion occurred (and continues to occur) at the quantitative level. While in its early years, the World Heritage Committee members contemplated putting a cap on world heritage sites (Cameron and Rössler 2013: 55–58), this was not adopted; rather, the tangible heritage list has exceeded 1000 sites, and other conventions such as the ICH convention has created even more lists without caps. By continuing its designation of sites, monuments, and now intangible heritage forms – all of which are given UNESCO's "brand" in some way or another – and diversifying the geographic distribution of these properties, the World Heritage Program could geographically expand its audience base. This at first necessitated an effort to increase the geographic distribution of sites by engaging, and at times assisting, new states-parties in their nomination procedures. Yet as Cameron and Rössler point out in their history of the early years of the World Heritage Convention, this became a major, time-consuming responsibility that the World Heritage Committee, established by the Convention, was ill-equipped to handle. As more sites were added every year, there became the need for greater targeted coordination by UNESCO itself. This included not only processing and coordinating the submission of nomination files from states-parties, but also ensuring that sites on the list were adequately and systematically monitored and protected. In response to this, the World Heritage Centre was founded in Paris in 1992. The foundation of the Center should be viewed not only as an important mechanism for coordinating the day-to-day activities of the Convention, but rather as the establishment of a crucial structure for the broader World Heritage Program. Indeed, as Fig. 2 shows, prior to 1992, the World Heritage Committee addressed needs that were procedural in nature (i.e., publishing and revising Operational Guidelines for carrying out the processes established in the Convention) or responses to individual needs of member-states. Yet the creation of the World Heritage Center provided the operational autonomy necessary to shape the Program's efforts at governmentality; today, the center coordinates over twenty separate initiatives – ranging from astronomical heritage to religion to youth volunteering – coordinates efforts at periodic monitoring of World Heritage sites (Cameron and Rössler 2013: 134), and serves as a highly visible public relations instrument.

Possibly the most important moment in the expansion of the World Heritage Program occurred in 1994, when the World Heritage Committee adopted its watershed *Global Strategy for a Representative, Balanced and Credible World Heritage List*, whose aim was to explicitly expand the reach, and therefore the credibility, of the World Heritage Program by reconceptualizing what constituted heritage that could be considered to be of universal value. This was the result of a two-year study, coordinated by the World Heritage Centre, which revealed a strong "geographic, temporal and spiritual imbalance" (1994: IIIa) in the World Heritage List, which was biased towards what could be called "monumental" or elitist heritage, located in an equally monumental past – a past that is remembered, and celebrated, as valorizing for civilization (as conceived predominantly by Westerners). Indeed, the study pointed out that the majority of cultural sites were European, Christian architectural remains.

It would not be enough, however, to simply state that the Program needed to diversify its geographic reach. To create a better geographic "balance" of heritage properties around the world, it would be necessary to qualitatively reconceptualize the aesthetic and temporal thresholds of the nominating criteria – that is, to rethink its emphasis on monumentality and "pastness" of a heritage property. On the one hand, objects that typically fall outside of elite Western aesthetic conceptualizations of universal value would now be included, such as industrial centers and coal mines; it could be argued that these places provided testament to an important turning point in the history of global civilization. On the other hand, it also allowed for the integration of sites from difficult aspects of the past that many would rather forget: "negative" or "dark" sites such as Hiroshima and Auschwitz, Robbin Island and the empty spaces where the Bamiyan Buddhas once stood. "Pastness" was also reconceptualized; the Global Strategy opened up the possibility of integrating structures from the not-so-distant past, structures such as the Sydney Opera house and the Sagrada Familia that were technically still works-in-progress, or elements of "living culture" that continued to be utilized by indigenous peoples.

While the credibility and balance of the World Heritage List would continue to be debated, UNESCO does point out that the Global Strategy laid the foundation for broader participation among nation-states across the world, producing a larger and more balanced geographic distribution of properties on the list.[3] Furthermore, it seems to have also laid the groundwork for the ratification of a separate Convention concerning the protection of underwater cultural heritage (UNESCO 2001a) that nevertheless shared the objectives of the 1972 World Heritage Convention – namely, the listing, designation, and protection of *in situ* material cultural heritage. The differences which necessitated a separate convention, however, is that such cultural heritage – material remains of vessels, objects, or even urban centers such as ancient Egypt's Alexandria – are submerged underwater, and thus necessitate different and often urgent conservation activities (including safeguarding against treasure hunters) undertaken by a different set of experts, and may also fall outside of the legal maritime boundaries of any one nation-state.

But the ethical engagement of individuals entails more than simply raising awareness, or creating measurable opportunities for encountering the World Heritage brand by diversifying the geographic distribution of heritage "sites". Rather, the Global Strategy reconceived the way in which various groups, who produce different cultural forms, could be included in the program. In short, it signaled a shift in the quality of the Program's engagement with its primary audience, the local peoples whose minds UNESCO aims to mold into more ethical subjects. In particular, one notices a consistent movement towards addressing the concerns of local communities and indigenous peoples, and experts advocating on their behalf. In this sense, 1992 was particularly important. Not only was 1992 the year in which the UNESCO

---

[3] http://whc.unesco.org/en/globalstrategy/#efforts <accessed January 7, 2015>.

study on its list's credibility and balance was completed, but because UNESCO created, within the accepted discourse at the time, a more nuanced category of sites called "cultural landscapes." Much lauded by UNESCO (see, for example, Rössler 2006), the concept of a cultural landscape articulated for the first time the anthropological argument that a rigid division between "nature" and "culture" was not universally recognized, but a Western conception; implicit in this is the contention that many indigenous peoples attach great cultural meaning to the natural world without marking such sites with material culture. Indeed, as Coombe (2012: 377) points out, according to insiders, this was "crucial for legitimating the heritage of local communities and indigenous peoples…that later became formalized in the ICH Convention." This interpretation is justifiable; while certainly the creation of the concept of a "cultural landscape" would quantifiably increase the number of properties on the list, for example, there was already the category of a "mixed site" that could have been used, and which was largely supplanted by the "cultural landscape" sub-designation.

Indeed, under the aegis of the World Heritage Centre, UNESCO's World Heritage Program continued to integrate more implicit and, later, explicit references to diverse "communities" of audiences within their operational procedures and declarations. This is important, as descendent communities began to make inroads in advocating for structural changes within the Program. The 1999 Operational Guidelines were changed to allow for the inclusion of an alternatively managed site in the Solomon Islands (UNESCO 1998: 26), and the much-lauded 2002 Budapest Declaration fashioned itself as an invitation "to all partners to support" the World Heritage Program by promoting key strategic objectives known as the "Four C's": strengthening Credibility of the List, ensuring effective Conservation of World Heritage sites, refine its Capacity-building measures, and increase Communication with the public. Of these four Cs, then, the last two speak directly to non-expert, locally based communities: local or indigenous heritage managers who need expert training, as well as the broader public of whom the Program needs support: tourists who will consume the sites, and locals who will cooperate with UNESCO's World Heritage initiatives. Two years later – following the ratification of the Intangible Heritage Convention – UNESCO would add the word "community" to its now-list of "Five C's" (UNESCO 2008: 8; cf. UNESCO 2007). By the 2003 IHC, the term "community" – so often associated with a global imagined community of the heritage-scape, would become pluralized – such that "individuals" and indigenous "communities" are the primary stakeholders of their cultural heritage.

6 Paternalistic Ethics and Opening Up to Descendent Communities

It is clear that this gradual "opening up" to descendent communities represents a major force for building and establishing the "credibility" of the World Heritage Program and its brand. However, a tension exists in how the Program inculcates its ethical narrative of sharing responsibility for a culture's survival among those cultures who are most affected by it. In the early days of the World Heritage Program, the resposibilitization of preservation initiatives was imbued with a "paternalistic ethic," which "sees archaeologists and preservationists assume an explicitly dominant position as both "experts" and self-defined stewards of cultural property over other epistemic groups that may lay claim to it" (Di Giovine 2015: 204); indeed, paternalism in general denotes behavior by individuals, organizations or political entities that limits the activities of other groups ostensibly because the latter will be "better off" or protected by harm (Dworkin 2010). Even the *Budapest Declaration*, which was proclaimed as a response to enhancing the credibility and safeguarding of World Heritage properties by acknowledging the multiplicity of the Program's stakeholders, did little more than advocate better communication of its activities (i.e., the activities of its experts) to such communities, rather than call for an explicit collaboration.

There is, of course, good reason for this: The World Heritage Program operates through governmentality (cf. Coombe 2012): It engenders a particular ethical orientation through discourses of security. In the post-modern era – marked, as it is, by the embrace of sensory and experiential simulacra at the popular level (Baudrillard 1994) – power is invested in socially approved "experts" to ensure not only the security of the heritage properties (that is, ensuring its authenticity and integrity) but also in creating and disseminating the appropriate knowledge concerning a site's value and use (Harrison 2013: 45, 84–88). However, scholars have pointed out that conservation by experts often denies a monument's total life history, taking the site back to an idealized and historicized state that "tempts us to ignore our own influence on them" (Lowenthal 1998: 114), conserving only one of many possible narratives embodied in the structure through time and destroying or erasing others (Di Giovine 2009a: 359). In the name of conservation, site managers often prevent alternative uses by indigenous populations while at the same time paradoxically prohibiting those same populations to "modernize" their technologies or living practices in the name of preserving authenticity (see Di Giovine 2009b; Smith 2006), or to use the site in ways that are antithetical to traditional preservation activities, such as allowing for a cultural property's natural decay, as some descendent communities wish.

There is a growing recognition of this power inequality, particularly by social scientists and museographers who often collaborate with UNESCO, but also among representatives of descendent communities themselves. On the one hand, such expert listings have the air of elitism, and implicitly marginalize those communities

whose cultural practices do not fall into acceptable rubrics. As Hafstein (2009) shows in his seminal behind-the-scenes work on the development of the Intangible Heritage Convention, advocates – particularly those under-represented, non-Western nation-states – were eager to eschew the elitism of the previous Conventions, particularly in how intangible heritage was conceived of, nominated, designated, and listed; the final product, in fact, represents a compromise between creating a selective list, yet eschewing the elitist language that often accompanies such registers. Rather than calling the intangible heritage designations "masterpieces" or "treasures", they are considered "representative" illustrations of a particular culture (107).

On the other hand, may experts themselves advocate for more equitable collaborative partnerships with descendent communities in the form of co-curatorship (see Kreps 2003). In 1998, for example, at the insistence of the Director-General, Koichiro Matsura, the Operational Guidelines for the WH Convention were modified to allow for the "traditional management" of world heritage sites (see Cameron and Rössler 93). This reflected a growing interest by museologists in "indigenous curation" that, in the words of Stanley, seeks "to embrace tradition in the name of modernity" (1998: 87-88), and which could foster more inclusive management of cultural property. Active participation in the management of intangible heritage is also strongly advocated in Article 15 of the 2003 ICH Convention: "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, and to involve them actively in its management."

Yet the trend towards co-curation or co-management of a material site or a manifestation of intangible culture often falls under the rubric of "multicultural ethics" (see Gnecco 2014) which "posits a distinctively explicit openness (if only superficially) to incorporating alternative or "minority" voices in acts of designating and preserving objects of cultural heritage" (Di Giovine 2015: 204). Yet, to paraphrase Asad (1993), multiculturalism still privileges the dominant power; it allows other voices to be heard, as long as those voices do not impinge on other groups' rights to share in the cultural property's consumption. Multiculturalism also politicizes the cultural Other, seeing it as something to be "clearly defined, delimited, separated" and stereotyped so as to facilitate its assimilation into the dominant culture under the rubric of "diversity," which "masked its ideology of assimilation" (Gnecco 2003: 20). As a consequence, even well-meaning experts who attempt to mediate repatriation conflicts between tribal authorities and government officials may experience push-back from indigenous communities who distrust their underlying motivations and knowledge systems (see, for example, Meskell 2010: 852; cf. Shepherd 2003; Meskell and Masuku Van Damme 2007).

7   The Ethics of Engagement with the Tourist Community

At the turn of the millennium, it also became increasingly evident that the Program needed to reconfigure its approach to another major "community" of stakeholders – tourists. At the same time as tourism was embraced by the United Nations (as well as the World Bank and the International Development Bank), UNESCO's World Heritage Program either steered clear of discussing tourism, or mentioned its adverse impacts on the safeguarding of material sites, even as it promoted minimal initiatives that would enhance touristic engagement with its properties. On the one hand, the World Heritage Fund supports publicity campaigns by governmental ministries and industries involved in tourism, but, on the other hand, UNESCO requires its nomination file to include management plans that address adverse tourist impacts. While "tourism" is not mentioned in the World Heritage Convention at all, "tourist development projects" appears in the Convention only among a list of possible threats to World Heritage sites that could provide the basis for inscription on the World Heritage List in Danger (1972: 6). This ambivalence may stem from early failures by the UN and other inter-governmental organizations in tourism development, which became apparent in the 1970s (Di Giovine 2009b); to wit, in 1985 the European ministers of culture "found it a bit low and vulgar" to employ heritage for tourism development purposes (Cameron and Rössler 2013: 236).

While management issues relating to tourism were extremely rare in the early years of the World Heritage Convention, a World Heritage Center survey on tourism at natural sites in 1993 revealed that tourism was the key management issue, likened to a "disaster" (Cameron and Rössler 2013: 235). Something had to be done. Revealing a rapprochement with the tourism industry during the "sustainable tourism" turn of the mid-1990s (see Telfer 2002), in 1999 UNESCO hosted its first workshop at the International Tourism Exchange (ITB), one of the tourism industry's largest trade fairs; in 2001 the World Heritage Committee created a framework to "engage in dialogue and actions with the tourism industry to determine how the industry may contribute to help safeguard these precious resources" (UNESCO n.d.; see UNESCO 2001b: 63), and eventually founded the World Heritage Sustainable Tourism Programme (WHST) at the World Heritage Center in 2011 to better coordinate these efforts with states-parties (UNESCO 2010: 8–12).

Despite UNESCO's increased attention to tourism, many of the ethical issues concerning world heritage and tourism have not been resolved. While "sustainable tourism" has become an industry buzzword, its tenets are more aspirational than readily implementable. A number of "alternative tourism" forms interpret sustainability differently, yet all have been critiqued (Di Giovine 2009b; Smith and Eadington 1994). While early critiques (including those of UNESCO) centered on the tourist as the primary cause of damage to such sites, today it is understood that there is a more complex relationship between "host" and "guest" in which ethical relationships can be negotiated. Especially in this neoliberal era, critiques today seem to be more focused on the industry, which is accused of "green washing" for the sake of

marketing their product to unwitting consumers (Honey 1991: 47–55); to mitigate some of these unethical industry practices, Hultsman (1995) has even advocated making ethics courses a requirement for tourism management degrees. It is perhaps for this reason that when UNESCO finally created its World Heritage Sustainable Tourism Programme in 2011, it switched its emphasis from working with the tourism industry, as the original framework suggested (UNESCO 2001b), to working directly with individuals. In partnership with National Geographic, the United Nations Foundation, and Intercontinental Hotels, the WHST launched an online public exchange platform aimed at directly engaging tourists to protect World Heritage sites. Called "People Protecting Places," its tagline states, "We're not asking you to save the world. Just its greatest places." It continues with a vague request appealing to tourists' sense of responsibility: "World Heritage sites belong to us all, and depend on all of us. Join UNESCO in the new travel and tourism movement to help these irreplaceable treasures continue to inspire future generations."[4]

The notion that tourism is a "democratizing" force is also questionable. While I have argued that, owing to tourism's phenomenology as a perspectival interaction with place, theoretically "anyone, anywhere can be a tourist for a time" (Di Giovine 2014: 84), this does not mean that everyone has equal access to each World Heritage site. On the one hand, international travel certainly has its socio-economic and psychological constraints, excluding those without passports or who cannot dedicate the appropriate time, money, or even piece of mind to traveling certain distances or to certain regions of the world. On the other hand, and perhaps more importantly, international tourists frequently enjoy greater access to a site than others, for site managers frequently manage their destinations with tourist needs, desires, and expectations in mind, rather than those of locals. This includes removing local inhabitants at a site (Di Giovine 2009a: 215–259), and determining who gets access and at what cost. For example, Meskell (2010: 845) describes several South African cases in which the nation-state wrested land from indigenous groups, called it a national heritage site, and then issued lucrative contracts to foreign companies to develop the areas into luxurious tourist resorts.

But less nefariously, this also includes the "paternalistic" actions of experts and site managers who determine what behavior – and even what bodily senses (see Di Giovine forthcoming) – are acceptable for responsibly consuming a particular heritage site. Indeed, sightseeing is predicated on the museological "look but don't touch" model that stems from Enlightenment-era ideas focusing on the artifact as the locus of knowledge that could be unlocked through expert viewing. The privileging of the optic above the other "proximate" senses (Synnott 1991: 70), which excludes many indigenous haptic and olfactory devotional activities such as bathing or anointing a statue with dyes or burning incense. But additionally, as MacCannell laments, sightseeing may well be the lowest denominator of engagement with locals; it is "an effort based on desire ethically to connect to someone or something "other"

---

[4] From www.peopleprotectingplaces.org <accessed January 7, 2015>.

as represented by or embodied in an attraction..., [a failure to] connect" in more meaningful or personalized ways (2011: 7). A pervasive "lack of passion" (7) and true engagement between tourists, the tourism industry, experts and locals may be the biggest impediment to fulfilling UNESCO's imperative of fostering true interactions between cultures.

8   Conclusion: The World Heritage Program's Ethics of Peacemaking

This chapter argued that, in addition to being a political project, UNESCO's World Heritage Program is primarily an ethical project, aimed at instilling a sense of collective responsibility towards cultural diversity through governmentality. Ethics is about doing what is just and right; it is future-oriented, aimed at bettering the social relations surrounding the decision-maker. Creating an understanding of shared ownership over cultural forms, instilling responsibility towards their protection, and facilitating their collective use through tourism all contribute to UNESCO's long-term peacemaking objectives. But while UNESCO can at least attempt to shape these short- and medium-term goals through effective governance, it must rely on what can be considered "inspired action" – long-term, often subtle changes in the ways in which individuals and groups perceive the meaning and value of not only World Heritage sites, but the universality of cultural diversity for which these monuments illustratively stand (Di Giovine 2013).

Yet such inspiration can only come if the World Heritage Program is made relevant to individuals and groups at the grassroots level. Such a gradual "opening up" to descendent communities and tourists seems to represent a growing understanding of this by UNESCO. This is the great paradox of the World Heritage Program, but also one of its strengths: its power rests on the recognition and involvement of nation-states, while at the same time largely attempts to circumvent them by appealing directly for individual participation.

By understanding the ensemble of activities, norms, and practices by UNESCO associated with the universalization of cultural heritage as one unified World Heritage Program, we are able to see how the concept of world heritage itself has gradually evolved to better address the shortcomings of the 1972 Convention in its dealings with communities at the grassroots level – particularly descendent communities and tourists. While maintaining the same ethical framework, Conventions and projects in the years after 1972 aimed to increase the program's qualitative, as well as quantitative, engagement with these stakeholder groups. Yet this requires a complex balance between many different stakeholders, and the ethical pathways are not always clear as diverse groups are given greater representation and voice within the Program.

Indeed, as with any organization, to remain viable, relevant and effective, its programming must continue to evolve to address its audiences changing needs and outlooks. In particular, who participates, how they participate, and in what areas can they participate, all continue to be important questions that UNESCO must continue to address as its World Heritage Program reaches its fiftieth anniversary.

References

Anderlini, J. (2010): Chinese travelers change the face of tourism. *Financial Times*, June 8, 2010.

Anderson, B. (1991): Imagined communities. 2nd edition. NY: Verso.

Asad, T. (1993): Genealogies of religion. Baltimore: Johns Hopkins Press.

Baudrillard, J. (1994): Simulacra and Simulation. Ann Arbor: University of Michigan Press.

Berg, L. (1978): The salvage of the Abu Simbel Temples. Monumentum 17: 25–56.

Bertacchini, E. and D. Saccone (2011): The Political Economy of World Heritage. Working paper 1/2011. International Centre for Research on the Economics of Culture, Institutions, and Creativity (EBLA), Università di Torino, Italy.

Bourdieu, P. (1993): The field of cultural production. NY: Columbia University Press.

Cameron, C. and M. Rössler. (2013): Many voices, one vision: The early years of the World Heritage Convention. Farnham: Ashgate.

Coombe, R. (2012): Managing cultural heritage as neoliberal governmentality. *In* Heritage regimes and the State. Regina F. Bendix, Aditya Eggert and Arnika Peselmann, eds. Pp. 375–389. Göttingen: Göttingen University Press.

Cuvillier, R. and E. Thompson (1993): The International campaign for the safeguarding of Venice. Review of results (1966-1992). Paris: UNESCO.

Dewar, K., H. Du Cros and W. Li. (2012): The search for World Heritage brand awareness beyond the iconic heritage: a case study of the Historic Centre of Macao. Journal of Heritage Tourism 7(4): 323–339.

Di Giovine, M. A. (2009a): The heritage-scape: UNESCO, world heritage, and tourism. Lanham: Lexington Books.

– (2009b): Revitalization and counter-revitalization: tourism, heritage, and the Lantern Festival as catalysts for regeneration in Hoi An, Viet Nam. Journal of Policy Research in Tourism, Leisure and Events, 1(3): 208–230.

– (2014): World Heritage objectives and outcomes. *In* Encyclopedia of Global Archaeology. C. Smith, ed. Pp. 7894–7903. New York: Springer Publications.

– (2015): Patrimonial ethics and the field of heritage production. *In* Ethics and archaeological praxis. C. Gnecco and D. Lippert, eds. Pp. 201–227. New York: Springer.

– (forthcoming): When popular devotion becomes elite heritage: tensions and transformations at the shrine of St. Padre Pio of Pietrelcina. *In* Encounters with popular pasts: cultural heritage and popular culture. H. Silverman and M. Robinson, eds. NY: Springer.

Dworkin, G. (2010): Paternalism. *In* The Stanford Encyclopedia of Philosophy (Summer 2010 Edition). E. Zalta, ed. http://plato.stanford.edu/archives/sum2010/entries/paternalism/ <accessed April 26, 2013>

Ethics (2013). *In* Oxford Dictionaries. Oxford: Oxford University Press. http://oxforddictionaries.com/us/definition/american_english/ethics <accessed April 22, 2013>

Foucault, M. (1982): The Subject and Power. Critical Inquiry 8(4): 777–795.

– (1991): Technologies of the Self. Amherst: University of Massachusetts Press.

Gnecco, C. (2003): El erotismo de la desnudez arqueológica. *In* Arqueología al desnudo. Reflexiones sobre le práctica disciplinaria. C. Gnecco and E. Piazzini, eds. Popayán: Editorial Universidad del Cauca.

– (2014): Multicultural archaeology. *In* Encyclopedia of Global Archaeology. C. Smith, ed. Pp. 5074–5082. NY: Springer.

Graburn, N. (2001): Learning to consume: What is heritage and when is it traditional? *In* Consuming Tradition, Manufacturing Heritage. N. AlSayyad, ed. Pp. 68–89. London: Routledge.

Hafstein, Vladimir Tr. (2009): Intangible heritage as a list: From masterpieces to representation. *In* Intangible Heritage. L. Smith and N. Akagawa, eds. Pp. 93–111. London: Routledge.

Harrison, R. (2013): Heritage: Critical Approaches. London: Routledge.

Harvey, D. (2001): Heritage Pasts and Heritage Presents: Temporality, meaning, and the scope of heritage studies. International Journal of Heritage Studies 7: 319–338.

Honey, M. (1991): Ecotourism and Sustainable Development: Who owns Paradise? Washington, DC: Island Press.

Hultsman, J. (1995): Just tourism: an ethical framework. Annals of Tourism Research 22(3): 553–567.

Ilcan, S. and L. Phillips. (2006): Governing Peace: Global Rationalities of Security and UNESCO's Culture of Peace Campaign. Anthropologica *48*(1): 59–71.

King, L. and E. Halpenny (2014): Communicating the World Heritage brand: visitor awareness of UNESCO's World Heritage symbol and the implications for sites, stakeholders and sustainable management. Journal of Sustainable Tourism 2014: 1–19.

Knorr-Cetina, K. (1999): Epistemic cultures: how the sciences make knowledge. Cambridge: Harvard University Press.

Kreps, C. (2003): Liberating culture: cross-cultural perspectives on museums, curation and heritage preservation. London: Routledge.

Labadi, S. (2013): UNESCO, cultural heritage, and outstanding universal value. Lanham: AltaMira Press.

Lowenthal, D. (1998): The heritage crusade and the spoils of history. Cambridge: Cambridge University Press.

MacCannell, D. (2011): The ethics of sightseeing. Berkeley: University of California Press.

McCabe, H. (2005): The good life: ethics and the pursuit of happiness. New York: Continuum.

Meskell, L. & L. S. Masuku Van Damme (2007): Heritage ethics and descendent communities. *In* The collaborative continuum: archaeological engagements with descendent communities. Colwell-Chanthaphonh, C., and Ferguson, T. J., eds. Pp. 131–150. Thousand Oaks: Altamira Press.

Meskell, L. (2010): Human rights and heritage ethics. Anthropological quarterly. 83(4): 839–860.

Murphy, P. E. (1985): Tourism: a community approach. New York: Methuen.

Omland, A. (2006): The ethics of the world heritage concept. *In* The ethics of archaeology: philosophical perspectives on archaeological practice. C. Scarre and G. Scarre, eds. Pp. 242–259. Cambridge: Cambridge University Press.

Preston, N. (2007): Understanding ethics. Leichhardt: The Federation Press.

Prott, L. V. (2011): Strengths and weaknesses of the 1970 Convention: an evaluation 40 years after its adoption. UNESCO background paper CLT/2011/CONF.207/7. Paris: UNESCO.

Rössler, M. (2006): World Heritage cultural landscapes: A UNESCO flagship programme 1992-2006. Landscape Research 31(4): 333–353.

Ryan, J. and S. Silvanto. (2011): A brand for all the nations: the development of the World Heritage Brand in emerging markets. Marketing intelligence and planning 29(3): 305–318.

Shepherd, N. (2003): State of the discipline: Science, culture and identity in South African Archaeology 1870-2003. Journal of Southern African Studies. 29: 823–844.

Smith, L. (2006): Uses of heritage. London: Routledge.

Smith, V. & W. R. Eadington, eds. (1994): Tourism alternatives: potentials and problems in the development of tourism. New York: Wiley.

Stanley, N. (1998): Being ourselves for you: the global display of cultures. London: Middlesex University Press.

Synnott, A. (1991): Puzzling Over the Senses: From Plato to Marx. *In* The varieties of sensory experience: a sourcebook in the anthropology of the senses. D. Howes, ed. Pp. 61–76. Toronto: University of Toronto Press.

Telfer, D. (2002): The evolution of tourism and development theory. *In* Tourism and development: concepts and issues. R. Sharpely and D. Telfer, eds. Pp. 35–78. Clevedon: Channel View Publications.

Truman, H. S. (1949): Inaugural address. www.let.rug.nl/usa/P/ht33/speeches/truman.htm. <accessed September 3, 2011>

UNESCO (1945): Constitution of the United Nations Educational, Scientific and Cultural Organization. London, November 16, 1945.

– (1954): Convention for the protection of cultural property in the event of armed conflict with regulations for the execution of the convention. The Hague, May 14, 1954. Paris: UNESCO.

– (1962): Recommendation concerning the safeguarding of the beauty and character of landscapes and sites. *In* UNESCO, Records of the general conference, 12th session. Pp. 139–142. Paris: UNESCO.

– (1966): Records of the general conference, 14th session. Paris: UNESCO.

– (1967): Resolutions and decisions adopted by the executive board at its 76th session. Paris: UNESCO.

– (1968): Special issue: Venice in Peril. *UNESCO* Courier 21(12).

– (1970a): Convention and Recommendation on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. *In* UNESCO, Records of the general conference, 16th session. Pp. 135–141. Paris: UNESCO.

– (1970b): Protection of mankind's cultural heritage. Sites and monuments. Paris: UNESCO.

– (1972): Convention concerning the protection of the world cultural and natural heritage. Paris: UNESCO, November 16, 1945.

– (1982): Nubia: a triumph of international solidarity. Paris: UNESCO

– (1994): Expert meeting on the 'Global Strategy' and thematic studies for a representative world heritage list. (WHC-94/CONF.003/INF.6). Paris: UNESCO, 20-22 June 1994.

– (1998): Report of the 22nd session of the world heritage committee meeting, Kyoto Japan, 30 November-5 December 1998. (WHC-98/CONF.203/18).

– (2001a): Convention Concerning the Protection of the Underwater Cultural Heritage. Paris: UNESCO.

– (2001b): Report of the 25th session of the world heritage committee meeting, Helsinki, Finland 11-16 December 2001. Paris: UNESCO.

– (2002a): Budapest declaration. (WHC-02/CONF.202/25). Records of the 26th World Heritage Committee Meeting, Budapest, Hungary 24-29 June 2002.

– (2002b): Universal declaration of cultural diversity. Paris: UNESCO.

– (2003a): Convention for the Safeguarding of Intangible Cultural Heritage. Paris: UNESCO.

– (2003b): UNESCO: What it is, what it does. Brochure. Paris: UNESCO

– (2007): WHC-07/31.COM/13B. *In* UNESCO, Records of the world heritage committee meeting, 31st session, Christchurch, NZ, May 23, 2007. Paris: World Heritage Centre.

– (2008): World heritage information kit. Paris: World Heritage Centre.

– (2010): UNESCO: What is it? What does it do? Brochure. Paris: UNESCO.

– (n.d.): A proposed framework for the development of joint cooperation on nature conservation and sustainable tourism at world heritage natural sites between the tourism industry and the UNESCO World Heritage Centre. Paris: World Heritage Centre.

UNWTO (2013): UNWTO Tourism Highlights: 2013 Edition. Madrid: UNWTO Publications.

– (2014): Compendium of tourism statistics. Data 2008-2012. 2014 Edition. Madrid: UNWTO Publications.

Wright, S. (1998): The Politicization of 'Culture'. Anthropology Today, 14(1): 7–15.

Community and Territory from Legal Perspectives

The Territorial Condition for the Inscription of Elements on the UNESCO Lists of Intangible Cultural Heritage

Benedetta Ubertazzi
University of Macerata

1   Abstract

A territorial condition for the inscription on the UNESCO Lists of Intangible Cultural Heritage was posed by two Decisions adopted by the Committee in Bali. It was thereby established that in future, the Committee will not inscribe on the Lists elements that focus on practices within the territories of States different than the ones nominating the elements. On the one hand, this condition for inscription promotes cooperation amongst State Parties in the field of Intangible Cultural Heritage, since the inscription of an element with practices performed in territories of several States can only be achieved for all the practices at stake through multinational nominations. On the other hand, the condition of territoriality may hinder inscription on the Lists and the corresponding safeguarding of elements, since it is complex to propose multinational nominations. Moreover, this condition reserves the inscription and therefore the safeguarding of one element to only its territorial State, therefore problems may arise if this State has not ratified the Convention of 2003 and so may not be able to nominate the element at stake, or if it does not have sufficient resources to do so, or otherwise does not want to nominate the element in question. Furthermore, the new condition of territoriality prevents a State Party from nominating an element that is located wholly or partly in the territory of a different State, paradoxically even if the latter consents. The condition of

territoriality was then applied during the Committee's eighth session in 2013, in relation to an element nominated by Azerbaijan for inscription on the Urgent Safeguarding List. Yet, the issue arises in regards to the legality of the Decisions of the Committee posing the territorial condition examined here.

2   The Territorial Condition Established by the Bali Committee of 2011

In its sixth session in Bali (22-29 November 2011) the UNESCO Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage (hereafter: the Committee) inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (hereafter: List of Urgent Safeguarding), established by the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (hereafter: the 2003 Convention),[1] 11 new elementsfrom 23 nominations submitted to the Committee and examined by the Consultative Body, consisting of six representatives of non-governmental organizations (hereafter: NGOs)[2] accredited under the UNESCO 2003 Convention and six individual experts. Some State Parties had voluntarily withdrawn seven nominations that the Consultative Body[3] examined and considered did not conform to the inscription criteria. Five other nominations which the Consultative Body considered incomplete were returned to the respective State Parties to allow resubmission of revised nominations for the

---

[1] The UNESCO General Conference adopted the Convention for the Safeguarding of the Intangible Cultural Heritage on October 17, 2003 following a series of expert meetings in 2002 and 2003. The 2003 Convention entered into force on April 20, 2006, three months after the ratification of the 30th State (Romania). The first General Assembly took place on June 2006 for the election of the first Intergovernmental Committee. As of November 20, 2013, the 2003 Convention has been ratified by 157 States. The tenth anniversary of the adoption of the Convention is currently being celebrated and offers a wide range of actors the opportunity to make an initial assessment and to explore the key challenges, constraints, and possibilities related to its implementation. All stakeholders involved in the safeguarding of Intangible Cultural Heritage are invited to share the events and activities they organize to celebrate this anniversary on the UNESCO web site. All activities can therefore be immediately consulted on a map, a calendar, and a list in their original language. See http://www.unesco.org/culture/ich/index.php?lg=en&pg=00482, <accessed January 2014>. In general, on the 2003 Convention see Berliner, Bortolotto 2013; Blake 2006; Forlati 2014; Francioni 2011, 2012; Kono 2007, 2010; Lixinski 2011, 2013; Sola 2008; Srinivas 2008; Scovazzi 2010; Scovazzi, Ubertazzi, and Zagato 2012; Ubertazzi 2010, 2011; Zagato 2008.

[2] On NGOs and the UNESCO Intangible Cultural Heritage Convention see Torggler, Sediakina-Rivière, and Blake 2013; Ubertazzi 2014; Zingari 2014. On NGOs in the UNESCO system in general see Martens 1999, 2001.

[3] Evaluation of nominations for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, of proposed programmes, projects and activities that best reflect the principles and objectives of the 2003 Convention and of International Assistance requests greater than US$25,000 is accomplished by a Consultative Body of the Committee established in accordance with Article 8.3 of the 2003 Convention by the General Assembly of the States Parties to the Convention (hereinafter: General Assembly) in 2010. The Consultative Body is composed of six accredited NGOs and six independent experts appointed by the Committee, taking into consideration equitable geographical representation and various domains of intangible cultural heritage.

next cycle of nominations, after the responses to the issues raised by certain State Parties of the Committee given by the nominating States were considered insufficient by the same Committee to grant their inscription.

On the Representative List of the Intangible Cultural Heritage of Humanity (hereafter: the Representative List) 19 elements were inscribed, of which just one was a multinational element as will be explained hereafter. The 54 nominations presented were reduced to 49, as a number were withdrawn by State Parties before their evaluation by the Subsidiary Body of the Committee,[4] because the nominating State Parties had not completed their respective nomination files in time. The 49 nominations presented were then further reduced to 38 because 11 were withdrawn by the interested State Parties after the Subsidiary Body examined them negatively.

Among the elements proposed for inscription on the List of Urgent Safeguarding that were referred to the submitting State Parties was "Ashoogh love romance: performance, music and text of the Armenian bard tradition." This element was maintained by Armenia even though it had been evaluated negatively by the Consultative Body and had been criticised by Azerbaijan since it related to certain practiceswithin its territory. Following the debate on the Armenian element in the Decision denying its inscription on the List of Urgent Safeguarding, the Committee invited Armenia to submit a revised nomination that better adheres to the criteria for evaluation by the Committee in a subsequent cycle, focusing on the meaning of this practice within its territory, while recognising its continuity with other related singing traditions, and avoiding unsubstantiated claims of its uniqueness, particularly those ascribing such uniqueness to religious factors.[5] Furthermore, in the Decisions about the inscription on the Representative List and the Urgent Safeguarding List, the Committee underlined that nominations to these Lists should concentrate on the situation of the element within the territory(ies) of the submitting State(s) while at the same time acknowledging the existence of same or similar elements outside its territory(ies), and further outlined that submitting States should not refer to the viability of such Intangible Cultural Heritage outside their own territories, or attempt to characterise the safeguarding efforts of other States.[6]

Extraterritorial practices were (for example) referred to by the nomination file of the French element "Equitationin the French tradition," which was inscribed on the Representative List in Bali ("although practised throughout France and elsewhere, the most widely known community is the Cadre Noir of Saumur, based at

---

[4] Evaluation of nominations for inscription on the Representative List is accomplished by a Subsidiary Body, composed of representatives of six member States of the Committee among which was Italy.

[5] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 2011, Decision 6.COM 8.1, that is available on the Convention website at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, <accessed January 2014>.

[6] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 2011, Decisions 6.COM 7 and 6. COM 13, that are available on the Convention website at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, <accessed January 2014>.

the National School of equitation");[7] and by the nomination file for the element "Chinese Zhusuan, knowledge and practices of arithmetic calculation through the abacus," which in Bali was referred for a subsequent cycle of inscriptions because it did not fully adhere to the criterion related to inventory, to which we will refer hereafter ("China and many other countries have Zhusuan clubs and associations that are responsible for teaching, research and organizing competitions").[8]

It is therefore apparent that a new condition for the inscription on the UNESCO Lists of Intangible Cultural Heritage is posed by the Decisions adopted by the Committee in Bali. It was thereby established that in future, the Committee will not inscribe on the two Lists elements that focus on practices within the territories of States different than the ones nominating the elements at stake.[9] On the one hand, this new condition for inscription promotes cooperation amongst State Parties in the field of Intangible Cultural Heritage; the inscription of an element with practices performed in territories of several States can only be achieved for all the practices at stake through multinational nominations, which encourages both the principle of peaceful coexistence among peoples, and the original objectives of UNESCO.[10] On the other hand, the condition of territoriality may hinder inscription to the Lists and the corresponding safeguarding of elements. In general, it is problematic to propose multinational nominations, as recognised by the same Bali Decision under examination, which states that the Committee "encourages State Parties to submit multinational nominations while recognizing the complexity they present to the collaborating State Parties and communities"[11]; and as demonstrated by the Bali session in which only one multinational nomination was inscribed on the Representative List, namely "Cultural practices and expressions linked to the Balafon of the Senufo communities of Mali and Burkina Faso," originally nominated by three State Parties - Mali, Burkina Faso and Côte d'Ivoire - but only inscribed in favour of two of them - Mali and Burkina Faso - since Côte d'Ivoire had not completed its respective nomination file in time. In certain cases, the proposal of these multinational nominations proves impossible, for example, when the States concerned are at war with one other, or are experiencing bad relations for whatever reason. Moreover, the new condition for inscription reserves the inscription and therefore the safeguarding of one element to only its territorial State, therefore problems may arise if this State has not ratified the Convention of 2003

---

[7] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 2011, Decision 6.COM 13.14, that is available on the Convention website at
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, <accessed January 2014>.

[8] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 201, Decision 6.COM 13.4, that is available on the Convention website at
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, <accessed January 2014>.

[9] On the other conditions for inscription see Bortolotto 2008; Scovazzi 2011; Ubertazzi 2011.

[10] See Decision 6.COM 13. See Puglisi 2012.

[11] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 201, Decision 6.COM 13.4, that is available on the Convention website at:
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, , <accessed January 2014>.

and so may not be able to nominate the element at stake, or if it does not have sufficient resources to do so, or otherwise does not want to nominate the element in question. Furthermore, the new condition of territoriality prevents a State Party from nominating an element that is located wholly or partly in the territory of a different State, paradoxically even if the latter consents.

3   The Territorial Condition Applied by the Baku Committee of 2013

The territorial condition was then applied during the Committee's eighth session in 2013,[12] in relation to the element "Chovqan, a traditional Karabakh horse-riding game," which was nominated by Azerbaijan for inscription on the Urgent Safe-guarding List.[13] In fact, on October the 28th 2013, the Vice President of the Islamic Republic of Iran and Chairman to the Iranian Cultural Heritage, Handcrafts and Tourism Organizations sent to the Secretariat a letter,[14] which was based on a position of a number of NGOs[15] and local communities, groups and individual practi-tioners. The letter emphasized that since traditional versions of the *Karabakh* horse-riding game are performed in Iran also, a multinational nomination had to be submitted, rather than a purely national one.

To concentrate on the situation of the element within its territory, Azerbaijan then renamed its element to "Chovqan, a traditional Karabakh horse-riding game in the Republic of Azerbaijan." Also, Azerbaijan avoided any references to the

---

[12] See Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, Eighth session, Baku, Azerbaijan, 2 to 8 December 2013, decision 8.COM 6.a. With this decision, the Com-mittee submitted to the General Assembly the «Examination of the reports of States Parties on the implementation of the Convention and on the current status of elements inscribed on the Repre-sentative List of the Intangible Cultural Heritage of Humanity», as annexed to the same decision and as presented in document ITH/13/8.COM/6.a on Examination of the 2013 reports, <accessed January 2014>. This document is available on the Convention website at:
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00473. The reports were submitted by Belgium, Bulgaria, Cambodia, Côte d'Ivoire, Ethiopia, Hungary, Madagascar, Oman, Senegal, and Turkey, and account for a total of 26 elements inscribed on the Representative List and two Best Safeguarding Practices (no elements on the Urgent Safeguarding List). The reports submitted by the States Parties are available online on the website of the Convention at
http://www.unesco.org/culture/ich/en/8COM/reports, <accessed January 2014>.

[13] See Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, Eighth session, Baku, Azerbaijan, 2 to 8 December 2013, decision 8.COM 7.1, that is available on the Con-vention website at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00473, <accessed January 2014>.

[14] The letter was posted on the Convention website at
www.unesco.org/culture/ich/index.php?lg=fr&pg=635, <accessed January 2014>. This corre-spondence was then removed from this website after the inscription of the element at stake on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding.

[15] Ibidem: 2.

viability of the element outside its own territory in the audio-visual material related to the element and submitted during the nomination process. In addition, Azerbaijan recalled paragraph 14 of the Operational Directives, according to which once inscribed an element might be extended to become a multinational nomination through cooperation with other interested countries.[16] Azerbaijan, then, welcomed the opportunity to discuss such an extension with the Islamic Republic of Iran and other States in future cycles.[17]

Thus, the Committee considered this in line with its Decisions adopted in Bali 6.COM 7 and 6.COM 13, and inscribed the element in question on the List of Urgent Safeguarding.[18]

4   Legality of the Territorial Condition

The Committee may of course make Decisions: Rule no. 34, paragraph 1, of the "Rules of Procedure of the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage" in fact states that the Committee shall adopt Decisions and recommendations as it deems appropriate. The adoption of Decisions also comes within the competence of the Committee implicitly under Article 7(a) of the 2003 Convention, according to which the Committee shall promote the objectives of the 2003 Convention and encourage and monitor the implementation thereof; and explicitly under Article 7(g) of the 2003 Convention, according to which the Committee shall examine nominations for inscription submitted by the State Parties and decide on them. However, it is clear that no Decision of the Committee may be contrary to the Convention of 2003, given that the Committee cannot amend the 2003 Convention, and since its Decisions are controlled by the

---

[16] Section I.5 of the Operational Directives on "Multi-national files" includes paragraphs 13 and 14. During the eighth session of the Committee, in Baku, a Decision was adopted to recommend to the General Assembly to revise the Operational Directives to establish a procedure not only for extension, but also for reduction of multinational files jointly submitted by two or more States Parties. Also, with the same Decision it was recommended to the General Assembly to revise the Operational Directives to establish a procedure not only for extension of multinational files jointly submitted by two or more States Parties, but also for extension of elements present in the territory of a single State Party (so called serial elements). So, paragraph 14 was substituted by a new paragraph 16, which is inserted in a new section I.5 bis of the Operational Directives on "inscription on an extended or reduced basis". See Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, Eighth session, Baku, Azerbaijan, 2 to 8 December 2013, decision 8.COM 13.c, that is available on the Convention website at:

http://www.unesco.org/culture/ich/index.php?lg=en&pg=00473, <accessed January 2014>.

[17] See the letter that was sent to the Secretariat for the Committee on November 14, 2013 by the Minister of Culture and Tourism of the Republic of Azerbaijan, in response to the letter sent by the Vice President of the Islamic Republic of Iran and Chairman to the Iranian Cultural Heritage, Handicrafts and Tourism Organizations. The letter was made available to the author by one of the delegates.

[18] See Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, Eighth session, Baku, Azerbaijan, 2 to 8 December 2013, decision 8.COM 7.1, that is available on the Convention website at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00473, <accessed January 2014>.

General Assembly of State Parties (hereafter the General Assembly) pursuant to Article 8 of the 2003 Convention, according to which the Committee responds to the General Assembly and reports on all its activities and decisions. The General Assembly is the "sovereign body" of the 2003 Convention (Article 4 of the Convention) and ensures its implementation. Therefore, if the Committee were to make a Decision contrary to the 2003 Convention, the decision would be unlawful.

The issue then arises in regard to the legality of the Decisions of the Committee relating to the territorial condition examined here. It should be noted that like many of the international instruments for the Safeguarding of Cultural Heritage, the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 2003 is characterised by a tension between the territorial sovereignty of States and the universal interest of the international community.[19] This tension naturally arises from the same character of culture, which is typically in itself of a universal interest, and manifests itself with particular intensity when it comes to Intangible Cultural Heritage elements, which have no specific physical location anchored to one relevant territory, but on the contrary may "belong" to more than one State, or be "transferred" from one State to another, for example when the community bearer of an element migrates to another country.[20]

In this respect, the 2003 Convention contains an initial set of rules emphasising the territorial link between State Parties and Intangible Cultural Heritage: Article 2 of the 2003 Convention defines Intangible Cultural Heritage as including the "cultural spaces associated" with its expressions and practices; Article 11 on the "role of States Parties" prescribes that "each State Party shall: (a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory"; Article 12 on "inventories" provides that each State Party shall draw up inventories related to the Intangible Cultural Heritage present in its territory; Article 13 on "other measures for safeguarding" establishes that each State Party shall adopt specific measures to ensure the safeguarding of the Intangible Cultural Heritage present in its territory; Article 23, paragraph 1, on "requests for international assistance" outlines that "each State Party may submit to the Committee a request for international assistance for the Safeguarding of the intangible cultural heritage present in its territory".

In contrast, a second group of provisions of the 2003 Convention emphasises the universal interest of the international community to safeguard the Intangible Cultural Heritage wherever located: The Preamble to the 2003 Convention highlights "the universal will and the common concern to safeguard the intangible cultural heritage of humanity"; Article 1.5.13 of the "Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural

---

[19] See Bortolotto 2010; Kono and Wrbka 2010; Scovazzi 2009; Ubertazzi 2010, 2011.

[20] See Scovazzi 2012.

Heritage" (hereafter: the Operational Directives)[21] encourages State Parties to jointly submit multinational nominations for inscription on the two Lists provided by the 2003 Convention, by treating them in a more favourable way than national nominations; also relevant to this point is Article 17, paragraph 3, of the 2003 Convention, to which we will return.

As for the legality of the Decisions of the Committee relating to the territorial condition examined here, in respect to the Representative List, Article 16 of the 2003 Convention adopts the wording of "States concerned", does not require any condition of territoriality, and refers to the criteria for inscription to be established by the Committee. These criteria can be found in the Operational Directives. In particular, the criterion R5 refers to the "Submitting States" rather than to the "States concerned", as opposed to Article 16 of the 2003 Convention, and as such this criterion is interpreted to mean only nominating States. This interpretation is in accordance with the practice of States in their application of the 2003 Convention, as prescribed in Article 31, paragraph 3(b) of the Vienna Convention on the Law of Treaties of 1969.[22] This same criterion then establishes a condition of territoriality by requiring that the inscription of an element on the Representative List occurs only if the element is included in an inventory of intangible cultural heritage within the territory of the nominating State.[23] Thus, with Decision 6.COM 13,[24] the Bali Committee interpreted the condition of territoriality established in criterion R5 restrictively, establishing that the inscription of an element on the Representative List can only happen when the nominated element relates to practices within the territory of the nominating State. This limited interpretation of the criterion R5 is undoubtedly permissible, and is justified by the need to reserve to State Parties sovereignty in deciding whether and when to nominate for inscription practices related to an element that exist within their respective territories.

In respect to the List of Urgent Safeguarding, Article 17 of the 2003 Convention adopts the wording of the "State party concerned", does not require any territorial condition, and refers to the criteria for inscription to be established by the Committee. These criteria are found in the Operational Directives. In particular, criterion U5 corresponds to criterion R5 as aforementioned, and similarly establishes a condition of territoriality, which the Committee has also interpreted nar-

---

[21] The first version of the Operational Directives for the Implementation of the Convention defines, among other things, the modalities for the inscription on the UNESCO Lists, the granting of financial assistance, and the submission of periodic reports, and was adopted by the General Assembly on 19 June 2008 (Resolution 2.GA 5).

[22] See United Nations Treaty Series 1980, vol. 1155, I-18232, p.331.

[23] See Bortolotto 2012 on the condition of territoriality in regards to the requirement for inclusion on an inventory.

[24] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 2011, Decision 6.COM 13, that is available on the Convention website at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, <accessed January 2014>.

rowly with Decision 6.COM 7.[25] Therefore, the same exclusions apply to this last Decision, *mutatis mutandis*, as to Decision 6.COM 13.[26] Yet, with regard to the list of Urgent Safeguarding, Article 17, paragraph 3, distinguishes specific cases of extreme urgency and states that for such cases the Committee may inscribe an element "in consultation with the State Party concerned." Furthermore, criterion U6 provides that in cases of extreme urgency, "the State Party(ies) concerned" must be "duly consulted regarding inscription of the element in conformity with Article 17.3 of the 2003 Convention." Thus, according to Article 17, paragraph 3, and criterion U6, in cases of extreme urgency, inscription on the List of Urgent Safeguarding can happen after consultations with the State Party concerned, and even in the absence of any explicit request by that State Party. In these situations, the "State party concerned" can be distinguished from the territorial State, and correspondingly a State Party with a cultural link to a certain Intangible Heritage is entitled to nominate for inscription on the List an element that is wholly or partly in the territory of a different State Party.[27] Article 17, paragraph 3, and criterion U6 are based on the need to safeguard Intangible Cultural Heritage that is in extreme danger, even when the territorial State that could nominate the element at danger does not want to or cannot do so.[28]

5   Conclusion

In this framework the following conclusion can be drawn. First, Decision 6.COM 13 of the Bali Committee which establishes the condition examined here, of territoriality for inscription on the Representative List, is compatible with the Convention of 2003, and is therefore lawful. Second, Decision 6.COM 7 of the Bali Committee, which interpreted the condition of territoriality narrowly, appears to be compatible with the process for inscription to the List of Urgent Safeguarding, save in cases of extreme urgency. In fact, in situations where Intangible Cultural Heritage is in extreme danger and therefore in need to be safeguarded by States other than the territorial one, the Decision at stake appears to be contrary to the 2003 Convention, and therefore unlawful.

---

[25] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 2011, Decision 6.COM 7 that is available on the Convention website at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, <accessed January 2014>.
[26] See Sixth Session of the Intergovernmental Committee (6.COM) – Bali, Indonesia, November 2011, Decision 6.COM 13, that is available on the Convention website at http://www.unesco.org/culture/ich/index.php?lg=en&pg=00362, <accessed January 2014>.
[27] See Scovazzi 2009.
[28] See Economides 2003.

References

Berliner, David, and Chiara Bortolotto (2013): Introduction. Le monde selon l'UNESCO. Gradhiva 18: 4–21.
http://gradhiva.revues.org/2696 <accessed January 2014>

Blake, Janet (2006): Commentary on the UNESCO 2003 Convention on the Safeguarding of the Intangible Cultural Heritage. Leicester: Institute of Art and Law.

Bortolotto, Chiara (2008): Il processo di definizione del concetto di 'patrimonio culturale immateriale': elementi per una riflessione. *In* Il patrimonio immateriale secondo l'UNESCO: analisi e prospettive. Chiara Bortolotto, ed. Pp. 7–48. Roma: Istituto Poligrafico e Zecca dello Stato.

– (2010): Addio al territorio? Nuovi scenari del patrimonio culturale immateriale. Lares, Rivista Quadrimestrale di studi demoetnoantropologici 76(3): 355–374.

– (2012): Gli inventari del patrimonio culturale intangibile – quale "partecipazione" per quali "comunità"? *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 75–92. Milano: Giuffrè.

Economides, Constantin (2003): Intersessional Working Group of Government Experts on the Preliminary Draft Convention of the Intangible Cultural Heritage, 22-30 April, par. 19. Paris: UNESCO, available at http://unesdoc.unesco.org/Ulis/cgi-bin/ulis.pl?database=ged&lin=1&mode=e&gp=0&look=default&sc1=1&sc2=1&nl=1&req=2&au=Economides,%20Constantin, <accessed January 2014>

Francioni, Francesco (2011): The Human Dimension of International Cultural Heritage Law: An Introduction. European Journal of International Law: 9–16.

– (2012): Public and Private in the International Protection of Global Cultural Goods. European Journal of International Law 23: 719–730.

Kono, Toshiyuki (2007): UNESCO and Intangible Cultural Heritage from the Viewpoint of Sustainable Development. *In* Standard-Setting in UNESCO, Volume I: Normative Action in Education, Science and Culture, Essays in Commemoration of the Sixtieth Anniversary of UNESCO. Arief Anshory Yusuf, ed. Pp. 237–265. Paris: UNESCO.

– ed. (2010): The Impact of Uniform Laws on the Protection of Cultural Heritage and the Preservation of Cultural Heritage in the 21st Century. Leiden: Martinus Nijhoff.

Kono, Toshiyuki, and Gerard Wrbka (2010): General Report. *In* The Impact of Uniform Laws on the Protection of Cultural Heritage and the Preservation of

Cultural Heritage in the 21st Century. Kono Toshiyuki, ed. Pp. 1–8. Leiden: Martinus Nijhoff.

Lixinski, Lucas (2011): Selecting Heritage: The Interplay of Art, Politics and Identity. European Journal of International Law 22: 81–100.

– (2013): Intangible Cultural Heritage in International Law. Oxford: Oxford University Press.

Martens, Kerstin (1999): The role of NGOs in the UNESCO System. Transnational Associations No.2: 68–82.

– (2001): Non-governmental Organisations as Corporatist Mediator? An Analysis of NGOs in the UNESCO system. Global Society 15: 387–404.

Picchio Forlati, Maria Laura, ed. (2014): Il patrimonio culturale immateriale di Venezia come patrimonio europeo. Venezia: Ca' Foscari Ed., available at http://virgo.unive.it/ecf-workflow/upload_pdf/Sapere_Europa_1.pdf, <accessed January 2014>

Puglisi, Giovanni (2012): Prefazione. La dimensione interdisciplinare del patrimonio culturale intangibile. *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. xvii–xx. Milano: Giuffrè.

Scovazzi, Tullio (2009): Le concept d'espace dans trois conventions UNESCO sur la protection du patrimoine culturel. L'Observateur des Nations Unies: 7.

– (2010): La Convention pour la sauvegarde du patrimoin eculturel immatériel. *In* International Law: New Actors, New Concepts – Continuing Dilemmas: Liber Amicorum Božidar Bakotić. Budislav Vukas and Trpimir Šošić, eds. Pp. 301–317. Leiden: Brill.

– (2012): La Convenzione per la salvaguardia del patrimonio culturale intangibile. *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Zagato Lauso, eds. Pp. 3–28. Milano: Giuffrè.

Scovazzi, Tullio, Benedetta Ubertazzi, and Lauso Zagato, eds. (2012): Il patrimonio culturale intangibile nelle sue diverse dimensioni. Milano: Giuffrè.

Sola, Angélique (2008): Quelques réflexions à propos de la Convention pour la sauvegarde du patrimoine culturel immatériel. *In* Le patrimoine culturel de l'humanité – The Cultural Heritage of Mankind. James A. R. Nafziger and Tullio Scovazzi Tullio, eds. Pp. 487–528. Leiden: Martinus Nijhoff.

Srinivas, Burra (2008): The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. *In* Le patrimoine culturel de l'humanité – The

Cultural Heritage of Mankind. James A. R. Nafziger and Tullio Scovazzi Tullio, eds. Pp. 529–557. Leiden: Martinus Nijhoff.

Torggler Barbara, Ekaterina Sediakina-Rivière, and Janet Blake (2013): Evaluation of UNESCO's Standard-setting Work of the Culture Sector. Part I – 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Executive Summary, October. www.unesco.org/culture/ich/doc/src/ITH-13-8.COM-INF.5.c-EN.doc, <accessed January 2014>

Ubertazzi, Benedetta (2010): Territorial and Universal Protection Of Intangible Cultural Heritage From Misappropriation. New Zealand Yearbook of International Law 8: 69–106.

– (2011): Su alcuni aspetti problematici della convenzione per la salvaguardia del patrimonio intangibile. Rivista di diritto internazionale 94: 777–798.

– (2013): UNESCO Intangible Cultural Heritage and NGOs. Italian Yearbook of International Law.

– (2014): NGOs and the UNESCO Convention for the safeguarding of intangible cultural heritage. Institutionalization and networking, rather than de-accreditation. *In* Il patrimonio culturale immateriale di Venezia come patrimonio europeo. Maria Laura Picchio Forlati, ed. Pp. 115-130. Venezia: Ca' Foscari Ed., available at http://virgo.unive.it/ecf-workflow/upload_pdf/Sapere_Europa_1.pdf, <accessed January 2014>

Zagato, Lauso (2008): La Convenzione sulla protezione del patrimonio culturale intangibile. *In* Le identità culturali nei recenti strumenti UNESCO.Lauso Zagato, ed. Pp. 27–70. Padova: Cedam.

Zingari, Valentina (2014): Ascoltare i territori e le comunità. Le voci delle associazioni non governative (ONG). *In* Il patrimonio culturale immateriale di Venezia come patrimonio europeo. Maria Laura Picchio Forlati, ed. Pp. 71–92. Venezia: Ca' Foscari Ed., availableat http://virgo.unive.it/ecf-workflow/upload_pdf/Sapere_Europa_1.pdf, <accessed January 2014>

The Community Participation in International Law

Sabrina Urbinati
University of Milano-Bicocca

1 Introduction

The purpose of this study is to show, as thoroughly as possible, the ways in which communities play a role in the implementation of international legal instruments.[1] To do so, an analysis of the relevant provisions of several international instruments[2] concerning human rights, environment, health, cultural properties and intellectual property will be carried out.

---

[1] Another interesting survey on communities, groups and individuals in international law was done by Blake (2009).

[2] The most important are the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) (World Heritage Convention), the Convention on the Elimination of All Forms of Discrimination against Women (1979) (Women Convention), the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (1989) (ILO Convention), the United Nation Convention on Biological Diversity (1992) (Biodiversity Convention), the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994) (Desertification Convention), the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998) (Aarhus Convention), the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the One Part, and the European Community and Its Member States, of the Other Part (2000) (Partnership Agreement), the International Cocoa Agreement (2001), the International Treaty on Plant Genetic Resources for Food and Agriculture (2002) (Plant and Agriculture Treaty), the Framework Convention on Tobacco Control (2003), the Convention concerning the Safeguarding of the Intangible Cultural Heritage (2003) (Intangible Convention), the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) (Convention on Cultural Diversity), the African Youth Charter (2006), the Protocol on Integrated Coastal Zone Management in the Mediterranean (2008) (Integrated Coastal Protocol), the United Nations, Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity (2011) (Nagoya Protocol),

In the present study, the international instruments taken into account are not only conventions or treaties, but also instruments for their application,[3] declarations and recommendations. These instruments are elaborated by States and international organizations, which are the only subjects (in legal language: parties) that have the legal personality and may act in the international legal order. International treaties or conventions are binding for their parties. With these instruments, States and international organisations establish their rights and obligations. Instruments for the application of conventions or treaties are useful to show their parties' administrations how to apply international treaties correctly. In declarations and recommendations, which are not binding, parties express an auspice for the future.

By implementing the international instruments in question, States Parties and international organizations inevitably have an effect on the other subjects concerned (stakeholders). In principle these stakeholders could not legitimately act in the international legal order. Nevertheless, as we will show in the present study, for different reasons, some roles in the implementation of the above-mentioned international instruments have been assigned to the stakeholders.

As we will see in more detail in the first paragraph of this study, international law rarely identifies the stakeholders directly with the word "community." In fact, even if they may have a community dimension, they have different natures. In identifying the stakeholders, the international instruments taken into account in the present study utilise specific words and expressions, for instance, peoples, indigenous, individuals, women and farmers. In the present study, sometimes we will identify these subjects with the words "community" or "communities." Finally, we have to recall that in other branches of law, the word in question is frequently substituted without changing of meaning, with those of group or groups, individuals, local communities, local institutions and so on.

---

the Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage (Intangible Operational Directives), the Operational Guidelines to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Cultural Diversity Operational Guidelines), the Operational Guidelines for the Implementation of the World Heritage Convention (World Heritage Operational Guidelines), the Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It (1976) (Recommendation 1976), the Rio Declaration on Environment and Development (1992) (Rio Declaration) and the United Nations Declaration on the Rights of Indigenous Peoples (2007) (Declaration on Indigenous Peoples).

[3] Intangible Operational Directives, Cultural Diversity Operational Guidelines and World Heritage Operational Guidelines.

2   Community: What Does It Mean in International Law?

In English the common meaning of the word "community" is:

  1. A group of people living together in one place.

  2. The people of an area or country considered collectively; society.

  3. A group of people with a common religion, race or profession.[4]

In 1930 the Permanent Court of International Justice, in the attempt to define the word "community," affirmed that "the existence of communities is a question of fact; it is not a question of law."[5]

As already mentioned, international instruments only rarely utilise the word community. This is the case for the Intangible Convention, where several provisions utilise the word "community."[6] For instance, in the text of the Intangible Convention:

> Each State Party shall: […]
> b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.[7]

Furthermore in the Intangible Operational Directives:

> U.4 The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.[8]

In other international instruments words having a community dimension are utilized, such as: people at large,[9] women,[10] youth,[11] indigenous peoples,[12] local com-

---

[4] Compact Oxford English Dictionary, Oxford 2003: 215.

[5] Permanent Court of International Justice: The Greco-Bulgarian "Communities", Advisory Opinion (31 July 1930): 22.

[6] For the definition of community in the Intangible Heritage Convention see Blake 2006, and Scovazzi 2012.

[7] Article 11, Intangible Convention. See also Article 15 (below n. 31).

[8] Paragraph I.1, Intangible Operational Directives. See also paragraphs 1, 2, 7, 79, 80, 81, 82, 85, 86, 87, and 88.

[9] Recommendation 1976.

[10] Preamble of the Biodiversity Convention, preamble of the Nagoya Protocol and Women Convention.

[11] African Youth Charter.

[12] ILO Convention, where we can find the expression of "Indigenous and Tribal Peoples", or "peoples" in the text of the Convention. Preamble and, among others, Article 15, 17, 18, 27, 30, 32, 36 and 38, Declaration on Indigenous Peoples and Principle 22, Rio Declaration.

munities or local populations,[13] inhabitants,[14] civil society,[15] minorities,[16] public,[17] farmers,[18] cultural site managers, public or private agencies,[19] private sector[20] and non-governmental organizations[21] (NGOs).

Some of the international instruments on which this study is based are expressly dedicated to the protection of one community and to the assertion of its rights. This is the case of the ILO Convention where references are made only to indigenous peoples. In other instruments references are made, as appropriate, to the participation of several communities. Among these instruments, in the Recommendation 1976 the expression of people at large and also other equivalent expressions such as group participating[22] and public[23] can be found. Moreover, in the Desertification Convention[24] the expressions of local populations, local communities and populations are employed as synonyms. Yet the Biodiversity Convention utilises the words women[25] and public[26] and the Nagoya Protocol those of women and indigenous and local communities.[27] Finally, in the World Heritage Operational Guidelines references are made to cultural site manager, local and regional governments and NGOs.[28]

On the basis of this survey it is possible to conclude that, although community and other relevant terms are employed in international instruments, none of them provide for a definition of these words.

---

[13] Article 6, 12 and 21, Nagoya Protocol. Among others, see Article 6, 13 and 16, Desertification Convention.

[14] Article 12 Integrated Coastal Protocol.

[15] Article 11, Convention on Cultural Diversity and paragraph 3, Cultural Diversity Operational Guidelines.

[16] Paragraph 1.3, Cultural Diversity Operational Guidelines.

[17] In Article 2, Aarhus Convention, "public" is defined as: "one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups".

[18] Article 6 and 9, Plant and Agriculture Treaty.

[19] Framework Convention on Tobacco Control.

[20] Partnership Agreement and International Cocoa Agreement 2001.

[21] World Heritage Operational Guidelines.

[22] Paragraph 6 h), Recommendation 1976.

[23] Paragraph 14 g), Recommendation 1976.

[24] Among others Article 5, 10, 17, 18.

[25] Preamble Biodiversity Convention.

[26] Article 14, Biodiversity Convention.

[27] Article 6, 12 and 21, Nagoya Protocol.

[28] Paragraph 64, World Heritage Operational Guidelines: "States Parties are encouraged to prepare their Tentative Lists with the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, NGOs and other interested parties and partners".

3   The Several Forms of Community Participation

In the international instruments taken into account in this study, the utilization of the word "participation" in its widest meaning is predominant. Nevertheless words such as "cooperation," "consultation" and "implication," are also used. Sometimes they are employed as synonyms. For instance, the ILO Convention foresees:

> In applying the provisions of this Convention, governments shall:
> a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.[29]

The Declaration on Indigenous Peoples utilises both "consultation" and "cooperation:"

> States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.[30]

The internal practice in the implementation of each international instrument further specifies the meaning that has to be given to these words. For instance, in the framework of the Intangible Convention an important debate has been opened on the meanings of "participation" and "consultation." The result of this debate is that "participation" implies an involvement of the community in its application,[31] while "consultation" is limited to the procedure needed by a party to obtain the consent of the interested community.

Moreover, it should be emphasized that the word "participation" lends itself to possible misunderstandings. For instance, under Article 1 of the Recommendation 1976 the participation of the individuals, belonging to the same culture, is intended as their free and full participation in cultural creation and its benefits, in accordance with the requirements of social progress.

The meaning given to community participation in the Intangible Convention is the point of our interest in the present study.

Depending on the international instrument taken into consideration, the community participation may be requested to carry out several purposes:

---

[29] Article 6, paragraph 1, ILO Convention.

[30] Article 15, paragraph 2, Declaration on Indigenous Peoples.

[31] Article 15, Participation of communities, groups and individuals, Intangible Convention: "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, and to involve them actively in its management."

- the adoption of decisions and measures;
- the elaboration of international instruments;
- the carrying out of activities;
- the sharing of benefits;
- the creation of mechanisms and procedures;
- the utilization of a property.

The first kind of participation is the most widespread. Nevertheless, in order to show the community participation in international law thoroughly, it is necessary to also examine all the other kinds.

3.1 Community Participation in the Adoption of Decisions and Measures

The participation of the communities, concerned by the implementation of an international instrument, in the adoption of decisions and measures is fundamental because it should allow these stakeholders to be involved in mechanisms that may produce effects against them. This kind of participation is intended to give means through which the stakeholders can protect their interests against States.

Among the international instruments examined in this study, it is necessary to give special attention to the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. As the title of this instrument shows, its content partially overlaps with the subject of the present study and therefore deserves to be examined in detail. Article 3, containing the general provisions, foresees:

1. Each Party shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the information, public participation and access-to-justice provisions in this Convention, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention.

2. Each Party shall endeavor to ensure that officials and authorities assist and provide guidance to the public in seeking access to information, in facilitating participation in decision-making and in seeking access to justice in environmental matters.

3. Each Party shall promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters. […]

9. Within the scope of the relevant provisions of this Convention, the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimi-

nation as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

Moreover, the Aarhus Convention establishes in which kinds of decision their parties are required to involve their public and in which manner this participation has to be implemented:

- decision concerning the activities listed in Annex I of the Convention and other activities which may have a significant effect on the environment but which are not in that Annex;[32]
- plans, programmes and policy connected to the environment;[33]
- regulations and other generally applicable binding rules that may have a significant effect on the environment.[34]

Regarding the first kind of decision, the Aarhus Convention states:

2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, *inter alia*, of:

(a) The proposed activity and the application on which a decision will be taken;
(b) The nature of possible decisions or the draft decision;
(c) The public authority responsible for making the decision;
(d) The envisaged procedure, including, as and when this information can be provided:
  (i) The commencement of the procedure;
  (ii) The opportunities for the public to participate;
  (iii) The time and venue of any envisaged public hearing;
  (iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;

---

[32] Article 6, paragraph 1, Aarhus Convention: "1. Each Party: (a) Shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I; (b) Shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions; and (c) May decide, on a case-by-case basis if so provided under national law, not to apply the provisions of this article to proposed activities serving national defence purposes, if that Party deems that such application would have an adverse effect on these purposes."

[33] Article 7, first sentence, Aarhus Convention: "Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public."

[34] Article 8, first sentence, Aarhus Convention: "Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment."

(v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and

(vi) An indication of what environmental information relevant to the proposed activity is available; and

(e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.

3. The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making.

4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.

5. Each Party should, where appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.

6. Each Party shall require the competent public authorities to give the public concerned access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making referred to in this article that is available at the time of the public participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paragraphs 3 and 4. The relevant information shall include at least, and without prejudice to the provisions of article 4:

(a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;

(b) A description of the significant effects of the proposed activity on the environment;

(c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;

(d) A non-technical summary of the above;

(e) An outline of the main alternatives studied by the applicant; and

(f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with paragraph 2 above.

7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any

comments, information, analyses or opinions that it considers relevant to the proposed activity.

8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.

9. Each Party shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate procedures. Each Party shall make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.

10. Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied *mutatis mutandis*, and where appropriate.

11. Each Party shall, within the framework of its national law, apply, to the extent feasible and appropriate, provisions of this article to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.[35]

In the adoption of the second kind of decision, the Aarhus Convention establishes that States Parties may apply the provisions stated in paragraphs 3, 4 and 8 of Article 6 and specify that:

The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavor to provide opportunities for public participation in the preparation of policies relating to the environment.[36]

As regards the manner of participation in the adoption of the third kind of decision, the Aarhus Convention foresees that:

To this end, the following steps should be taken:
    (a) Time-frames sufficient for effective participation should be fixed;
    (b) Draft rules should be published or otherwise made publicly available; and
    (c) The public should be given the opportunity to comment, directly or through representative consultative bodies.

The result of the public participation shall be taken into account as far as possible.[37]

---

[35] Article 6, Aarhus Convention.

[36] Article 7, Aarhus Convention.

[37] Article 8, Aarhus Convention.

Many other international instruments establish the community participation in the ways that parties are required to follow in the adoption of decisions and measures. Article 3, paragraph 1 a), of the Desertification Convention states, among the guiding principles for its implementation, that parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities. Moreover, Article 10, paragraph 2 f), states that, in the drafting of national action programs, in the decision making process and in the implementation and review of national action programs, parties are required to provide for effective participation at the local, national and regional levels of NGOs and local populations, in particular resource users, such as farmers and pastoralists and their representative organizations.

Yet, Article 9, paragraph 2 c), of the Plant and Agriculture Treaty foresees:

9.2 The Contracting Parties agree that the responsibility for realizing farmers' rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote farmers' rights, including: […]

(c)   the right to participate in making decisions, at national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

Another instrument that deserves to be recalled is the ILO Convention. In general, it establishes that parties are required to develop, with the indigenous peoples participation, coordinated and systematic action to protect the rights of these peoples.[38] In particular, this instrument foresees that parties are required to adopt means by which these peoples can participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programs which concern them.[39] Moreover, the indigenous peoples participation is foreseen also for the adoption of measures concerning the regulation of the recruitment and conditions of employment,[40] programs of vocational training and facilities[41] as well

---

[38] Article 2 paragraph 1, ILO Convention.

[39] Article 6, paragraph 1 b), ILO Convention.

[40] Article 20, paragraph 1, ILO Convention: "Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general."

[41] Article 22, paragraph 2, ILO Convention: "Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities."

as educational programs[42]. Finally, the Declaration on Indigenous Peoples deserves to be recalled too. This international instrument foresees that parties are required to adopt, with the participation of indigenous peoples, a number of measures

> […] to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.[43]

As well as

> […] to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.[44]

And also to ensure, in particular to those indigenous peoples divided by international borders, the rights to maintain and develop contacts and relations (including activities for spiritual, cultural, political, economic and social purposes) with their own members and as well as with their peoples across borders.[45]

3.2 Community Participation in Bodies that Are in Charge of the Elaboration of International Instruments

The only case of the community participation (in this case the participation of indigenous peoples and local communities) is in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee). This Committee was established by the World International Property Organisation (WIPO) in order to elaborate one or more international instruments for the protection of traditional knowledge, traditional cultural expressions, folklore and genetic resources. Since its creation, the Committee has encouraged the participation of communities and their involvement in its work.[46]

---

[42] Article 27, paragraph 1, ILO Convention: "Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations."

[43] Article 15, paragraph 2, Declaration on Indigenous Peoples.

[44] Article 17, paragraph 2, Declaration on Indigenous Peoples.

[45] Article 36, Declaration on Indigenous Peoples.

[46] Note on Existing Mechanisms for Participation of Observers in the Work of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (2011): http://www.wipo.int/export/sites/www/tk/en/igc/pdf/note_igc_participation.pdf <accessed February 2, 2014>.

In the Committee, communities are represented by NGOs to which the *status* of observers is attributed. Although in general, in other international instruments and in the WIPO's bodies this *status* does not allow the presentation of proposals, amendments and motions, the Committee has always given observers the possibility to intervene during the sessions on all the points of its agenda and to make proposals. However, these interventions will be inserted in the relevant texts under discussion, only if they are supported by, at least, a State member of the Committee. In the opposite case, the proposals are only inserted in the reports of the Committee if it is foreseen.

Today the accredited NGOs to the Committee are 329.

3.3 Community Participation in the Carrying out of Activities

In general, community participation in the carrying out of functional activities to the implementation of an international instrument is established because they have the useful knowledge in safeguarding a property. This is the case for the Biodiversity Convention, where for *in situ* conservation and the sustainable use of biological diversity, parties are required to "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyle"[47] and to "promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices"[48].

Moreover, community participation in the carrying out of functional activities to the implementation of an international instrument may be required when parties are looking to improve their knowledge concerning the production and the use of a property in a certain place. This is the case of the Plant and Agriculture Treaty, where it is established that the sustainable use of plant resources may include measures to

> (c) promot[e], as appropriate, plant breeding efforts which, with the participation of farmers, particularly in developing countries, strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas.

Finally, in some of the international instruments under consideration, the participation in question is justified, at the same time, by several of the previously mentioned reasons. This is the case of the Intangible Convention, in which the participation of the communities, groups and individuals is required in order, firstly, to ensure the interests of these subjects on their heritage and, secondly, because they have the indispensable knowledge to its management, conservation and safeguarding.[49]

---

[47] Article 8 j), Biodiversity Convention.
[48] Article 8 j), Biodiversity Convention.
[49] Article 15, Intangible Convention (above n. 31). See also paragraphs 79 to 88, Intangible Operational Directives.

3.4 Community Participation in the Sharing of Benefits

In some cases, implementing an international instrument may require the carrying out of some activities in order to obtain a benefit, which will be shared with the relevant communities. This is the case of the ILO Convention. This instrument foresees that in the case of the exploitation of mineral resources the concerned indigenous peoples, whenever possible, shall take part in the benefit deriving from this activity and shall receive fair compensation for any damages, which they may sustain.[50]

Moreover, Article 8 of the Biodiversity Convention establishes the same possibility. Regarding the *in situ* conservation of knowledge, innovations and practices of indigenous and local communities this instrument establishes that:

> Each Contracting Party shall, as far as possible and as appropriate: […]
> (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

3.5 Community Participation in the Creation of Mechanisms and Procedures

Community participation is also required for the creation of mechanisms, which are useful for the implementation of international instruments. In this regard Article 12, paragraph 2 of the Nagoya Protocol, foresees that parties, with the effective participation of the indigenous and local communities concerned, create mechanisms to inform the potential users of the traditional knowledge associated with genetic resources about their obligations.[51]

Moreover, Article 27 of the Declaration on Indigenous Peoples foresees that parties establish and implement, in conjunction with the indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due

---

[50] Article 15, paragraph 2, ILO Convention: "In case in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programs for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities."

[51] Article 12, paragraph 2, Nagoya Protocol: "Parties, with the effective participation of the indigenous and local communities concerned, shall establish mechanisms to inform potential users of traditional knowledge associated with genetic resources about their obligations […]."

recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. In this provision it is also established that indigenous peoples shall have the right to participate in this process.

3.6 Community Participation in the Utilisation of a Property

The Declaration on Indigenous Peoples gives two examples of community participation in the utilisation of property, such as lands, which belong to these peoples. The first example is established in Article 30 and concerns the utilisation of land for the carrying out of military activities:

> 1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

> 2. States shall undertake effective consultations with the indigenous peoples concerned, through their representative institutions, prior to using their lands or territories for military activities.

The second example is in Article 32, where after the affirmation of the right of indigenous peoples to determine and develop priorities and strategies for the development or use of their lands or territories and other resources, it is established that parties shall consult and cooperate in good faith with the indigenous peoples concerned, through their own representative institutions, in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources.

4   Means for the Carrying out of Community Participation

Even if, in some international instruments under examination in the present study, community participation is foreseen, the means for its implementation are not established. In other words, the provisions of these instruments use general formulations, such as "that local communities are involved in these activities" or "each Party shall evaluate, with the participation of affected populations," without establishing through which mechanisms the participation shall be carried out.

Some instruments, such as the Declaration on Indigenous Peoples, establish that the indigenous peoples participation shall be carried out through their representatives, chosen by the procedures specific to these populations. For instance, Article 18 of this instrument foresees:

> Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Another example is in Article 6 of the ILO Convention:

> 1. In applying the provisions of this Convention, governments shall:
>   (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.

5   A Qualified Participation of the Communities

Several instruments, among those examined in this study, establish community participation without qualifying it. For instance, they state that indigenous peoples participate in the procedure for the adoption of a decision or a regulation necessary for the national implementation of the relevant international instrument. In other instruments, community participation is qualified by requiring that parties ensure the effective and full, or as wide as possible participation, etc.

The following examples will help us to explain this affirmation more clearly. Article 19, paragraph 1 a), of the Desertification Convention asks for the full participation:

> They shall promote, as appropriate, capacity-building:
>   (a) through the full participation at all levels of local people, particularly at the local level, especially women and youth, with the cooperation of non-governmental and local organizations.

Paragraph 3 b), of the same provision, requires to promote, on a permanent basis, the access of the public to the relevant information, and the wide public participation in education and awareness activities.

Principle 22 of the Rio Declaration foresees that the parties should recognize and support in an adequate manner the identity, culture and interests of indigenous peoples. Moreover, this article foresees that parties should allow the effective participation of indigenous people to the carrying out of the sustainable development. This position is due to the fact that with their knowledge and traditional practices, indigenous peoples, their communities and other local communities have a vital role in the management of the environment and development.[52]

---

[52] Principle 22, Rio Declaration: "Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development."

Another example is contained in the Aarhus Convention, where it is established that each party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules, that may have a significant effect on the environment.

Moreover, Article 12, paragraph 2, of the Nagoya Protocol states that the parties, with the effective participation of local and indigenous community, create mechanisms to inform the potential users of the traditional knowledge, associated with the genetic resources, about their obligations, including the measures made available through the Access and Benefit-Sharing Clearing-House for access to and fair and equitable sharing of benefits arising from the utilisation of such knowledge.

Finally, other international instruments ask for a free, prior and informed community consent. Article 16, paragraph 2, of the ILO Convention states that where the relocation of the indigenous and tribal peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. In the same provision it is also established that where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including where appropriate public inquiries, which provide the opportunity for effective representation of the peoples concerned. In the same direction, the Declaration on Indigenous Peoples establishes:

> 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

> 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

6   Conclusion

Among the international instruments taken into consideration in the present study, the Intangible Convention deserves special attention because, in its implementation, a central role is given to community participation.

Under the Intangible Convention communities are considered the bearers of the intangible cultural elements. Despite this important recognition, the Intangible Convention does not give a definition of community (Blake 2006; Scovazzi 2012). Until now, several attempts to define this word have been useless, because of the

reticence and opposition of some States, during both the negotiation of the convention and its implementation. Nevertheless, this absence of definition must not be interpreted in a totally negative way because it allows the inclusion of various subjects, such as indigenous peoples, minorities, local communities, etc., including also those that are usually emarginated (Urbinati 2012a, 2012b).

In order to safeguard the intangible cultural heritage on their territories Intangible Convention parties shall adopt a set of measures, both at national and at international level. In implementing national measures, parties shall involve communities that are the intangible cultural element bearers. Nevertheless, the formulation of the relevant provisions is too general and it does not allow the creation of exact obligations for the parties, leaving the door open to misuse. As regards the international safeguarding measures nothing is foreseen about community participation.

However, the relevant parts of the Intangible Operational Directives and the practice of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage and of the Subsidiary and Consultative Bodies, witness that a will exists to attribute a central role in the implementation of the Intangible Convention to the communities. In fact, this instrument and the above mentioned bodies have repeatedly adopted provisions that aim to ensure community participation in the implementation of the Convention, both at national and at international level, and they affirm that the involvement of the communities is fundamental (Urbinati 2012a, 2012b).

References

Blake, Janet (2006): Commentary on the UNESCO 2003 Convention on the Safeguarding of the Intangible Cultural Heritage. Leicester: Institute of Art & Law.

– (2009): UNESCO's 2003 Convention on Intangible Cultural Heritage: the Implications of Community Involvement in "Safeguarding". *In* Intangible heritage. Laurajane Smith and Natsuko, eds. Pp. 45–73. New York: Routledge.

Scovazzi, Tullio (2012): La Convenzione per la salvaguardia del patrimonio culturale intangibile. *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 3–27. Milan: Giuffré.

Urbinati, Sabrina (2012a): Considerazioni sul ruolo di "comunità, gruppi e, in alcuni casi, individui" nell'applicazione della Convenzione UNESCO per la salvaguardia del patrimonio culturale intangibile". *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 51–73. Milan: Giuffré.

– (2012b): The Role for Communities, Groups and Individuals under the Convention for the Safeguarding of the Intangible Cultural Heritage. *In* Cultural Heritage, Cultural Rights, Cultural Diversity. New Developments in International Law. Silvia Borelli and Federico Lenzerini, eds. Pp. 201–221. Leiden: Martinus Nijhoff.

The Notion of "Heritage Community" in the Council of Europe's Faro Convention. Its Impact on the European Legal Framework

Lauso Zagato
University of Venice

1   Introduction: Plan of the Work

The object of this paper is the framework Convention on the Value of Cultural Heritage for Society (hereinafter: Faro Convention) of the Council of Europe (hereinafter: CoE), with particular regard to the innovative notions it contains. Such notions are today at the core of the debate in that community of scholars, largely interdisciplinary – including anthropologists and jurists, but not only – that deals with cultural heritage.

In Section 2, the relevant definitions contained in the Faro Convention[1] (Carmosino 2013; CoE 2009; D'Alessandro 2014; Ferracuti 2011; Sciacchitano 2011a; Zagato 2012b, 2013, 2014b, d, forthcoming a) – namely the definitions of "cultural heritage," of "common heritage of Europe," and moreover of "heritage community" – shall be discussed in detail. In Section 3, the consequences of such "new entries" in the European legal framework shall come under scrutiny, with particular attention to (the emergence of) the notion of "heritage community." Lastly, in Section 4, a comparison between the notion of "heritage community" of the Faro Convention and that of "community, groups and individuals" present in the

---

[1] Framework Convention on the Value of Cultural Heritage for Society, adopted in Faro on 27 October 2005, ETS n. 199. Entry into force on 1 June, 2011, in accordance with Article 18.

UNESCO 2003 Convention on the Safeguarding of Intangible Cultural Heritage[2] (hereinafter: C2003) will be introduced.[3]

2   The Faro Convention's Definitions: Cultural Heritage; Common Heritage of Europe; Heritage Community

The Preamble of the Faro Convention (Recital 4) reads as follows:

> The member States of the Council of Europe, […]

> […] Recognising that every person has a right to engage with the cultural heritage of their choice, while respecting the rights and freedoms of others, as an aspect of the right freely to participate in cultural life enshrined in the United Nations Universal Declaration of Human Rights (1948) and guaranteed by the International Covenant on Economic, Social and Cultural Rights (1966);

The above provision has to be read in connection with Article 27 of the United Nations Universal Declaration on Human Rights (hereinafter: the Universal Declaration), and Article 15, paragraph 1 let. a) of the International Covenant on Economic, Social and Cultural Rights; the content of Article 2 of the Faro Convention being but an aspect of the "right freely to participate in cultural life" enshrined in the Universal Declaration and guaranteed by the Covenant.

To be more precise, we must bear in mind that Article 27 of the Universal Declaration states: "Everyone has the right freely to participate in the cultural life *of the community*, to enjoy the arts and to share in scientific advancement and its benefits" (emphasis added). On the contrary, we do not find in the Covenant any reference to the cultural life of "the community." Hence, the Faro Convention recalls the notion of "community" present in the original document – the 1948 Universal Declaration – which has been quite forgotten in the development of international human rights law, guaranteeing it a new strength.

The key to the Recital 4 of the Preamble – and to some extent to the whole Convention – is the statement that "every person has the right to engage with the cultural heritage of their choice." The statement cannot be underestimated: For the first time, the right to cultural heritage is explicitly recognized in an international instrument as pertaining to the sphere of (individual, at least) human rights.

---

[2] Convention on the Safeguarding of Intangible Cultural Heritage, adopted by the UNESCO General Conference 32nd Session, Paris, 17 October 2003. Entry into force on 20 April 2006, in accordance with Article 34.

[3] (Arantes 2011; Blake 2001, 2006, 2007; Bortolotto 2008a, 2008b, 2011; Ciminelli 2008; Kono 2007; Kurin 2004, 2007; Lapiccirella Zingari 2011; Lenzerini 2011; Mariotti 2011a, 2012; Scovazzi 2009, 2010, 2012a, 2012b, 2012c, 2014; Scovazzi, Ubertazzi, and Zagato 2012; Smith and Akagawa 2009; Sola 2008; Srinivas 2008; Tornatore 2007; Ubertazzi 2011a, 2011b, 2014; Zagato 2008, 2012a, 2012b; 2014a, 2014b, c, forthcoming a).

Neither C2003 nor UNESCO 2005 Convention on the Promotion and the Protection of Cultural Diversity[4] (hereinafter: C2005) (Aylett 2010; Cabasino 2011; Cornu 2006; Ferri 2010; Gattini 2008; Pineschi 2008) include the right to cultural heritage. On the contrary, in both instruments the respect for human rights is a condition for the safeguarding of Intangible Cultural Heritage (hereinafter: ICH) (C2003, Article 2, paragraph 1) or for the protection of cultural diversity (C2005, Article 2, paragraph 1).[5] In the UNESCO's instruments there is no perception of the idea of inherence of the cultural identity/diversity in the sphere of human rights.

In literature, a detailed definition of cultural rights was provided by the Fribourg Group.[6] According to the Group, the cultural right has some distinct features:

> Right to identity and cultural heritage; Right to identification with the cultural community of his choice (= reference to cultural communities); Right to access and participation in cultural life; Right to education and training; Right to communication and Information; Right to participation in the cultural policies and cooperation (= right to cultural cooperation).

Some of the rights presented in the Fribourg Declaration are at the core of the traditional definition of cultural rights, as indicated in Article 15, paragraph 1a) of the International Covenant on Economic, Social and Cultural Rights[7] (hereinafter: ICESCR). The first two rights are new, in particular the first one: the right to identity and cultural heritage. That means the rights (Fribourg Declaration, art. 3):

> a. To choose and to have one's cultural identity respected, in the variety of its different means of expression. This right is exercised in the inter-connection with, in particular, the freedoms of thought, conscience, religion, opinion and expression;

---

[4] Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the UNESCO General Conference, 33rd Session, Paris, 20 October 2005. Entry into force on 18 March 2007, in accordance with Article 29.

[5] In the latter, however, the relationship is formulated in two ways; in effect, Preamble (Recital 4) states that "cultural diversity is important for the full realization of human rights and fundamental freedoms", see Zagato 2012c.

[6] *Fribourg Declaration on Cultural Rights*, held May 7 2007: https://www1.umn.edu/humanrts/instree/Fribourg%20Declaration.pdf <accessed 30 January, 2015), p. 2. The Declaration is a revised version of a document originally drafted for UNESCO (Meyer-Bisch 1998).

[7] International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly Resolution 2200 A (XXI) of 16 December 1966. Entry into force on 3 January 1976, in accordance with Article 27. See in particular Committee on Economic, Social and Cultural Rights, General Comment No. 21, Right of Everyone to Take Part in Cultural Life (Article 15, paragraph 1a) of the International Covenant on Economic, Social and Cultural Rights, 21 December 2009.

b. To know and to have one's own culture respected as well as those cultures that, in their diversity, make up the common heritage of humanity. This implies in particular the right to knowledge about human rights and fundamental freedoms, as these are values essential to this heritage;

c. To access, notably through the enjoyment of the rights to education and information, cultural heritages that constitute the expression of different cultures as well as resources for both present and future generations.

The Fribourg Group's definition provides us with some support for further investigation. Since the Faro Convention's entry into force, in any case, there is no room for doubt: The right of everyone to engage with the cultural heritage of his choice has to be understood from now on as an aspect of the right "to participate in cultural life" as described in Article 15, paragraph 1a) of the Covenant.

Article 2 of the Faro Convention defines "cultural heritage:"

a) cultural heritage is a group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. It includes all aspects of the environment resulting from the interaction between people and places through time;

Although the provision appears, at first glance, generic and omni-comprehensive, it deserves an attentive analysis. Article 2 requires to be read in connection with the Preamble (Recitals 2, 3, 5, 6). Recital 6: "Convinced of the soundness of the principle of heritage policies and educational initiatives which treat all cultural heritages equitably and so promote dialogue among cultures and religions," presents a classical anti-discriminatory feature. Recital 3: "Emphasizing the value and potential of cultural heritage wisely used as a resource for sustainable development and quality of life in a constantly evolving society," points out the relationship between cultural heritage and sustainable development.

Of major importance are Recital 2: "Recognising the need to put people and human values at the centre of an enlarged and cross-disciplinary concept of cultural heritage," and Recital 5: "Convinced of the need to involve everyone in society in the ongoing process of defining and managing cultural heritage."

In comparing the above statements with Article 2a), the intentional interplay between the words "people" and "everyone" should be emphasized. The insertion of the word people instead of individuals (everyone, persons...), in Article 2a) introduces the collective profile of the notion of cultural heritage.

As for the word "resources," absent from the text of the C2003, it signifies a specific interest in the economic profile of the cultural heritage.

"Independently of ownership" means (in this case in perfect harmony with the C2003) the will not to be involved in complex issues related to intellectual property.

Environment is also important, in the spirit and continuity with the 2001 CoE European Landscape Convention[8] (hereinafter: Florence Convention) (Alessandro and Marsano 2011; De Simonis, Lapiccirella Zingari and Mantovani 2013; Herrero de la Fuente 2001; Priore 2006; Sassatelli 2006).

Moreover, the expression "constantly evolving values, beliefs, knowledge and traditions" (art. 2) is original and introduces the very core of the Faro Convention's dimension: The subjective elements (values, beliefs) prevail or in any case precede the objective ones (knowledge, traditions).

The doctrine has proven itself unsteadily confronted with the breadth of the definition; we note, in fact, a kind of embarrassment on the part of even the more favourable authors. An author defines it as a "meeting point of various factors usually considered separately" (Greffe 2009: 107); others refer to a "holistic definition of cultural heritage" (Thérond 2009: 110; see also D'Alessandro 2014).

The above judgments take into account some profiles, but do not catch the heart of the meaning of Article 2a). In the writer's opinion, those who hit the mark (like Fairclough 2009) have emphasized how "The Faro definition of cultural heritage is comprehensive. It has no inherent time limits, nor limits of form or manifestation" (ibid.: 37). Such an assessment, indeed, identifies that aspect of flexibility that characterizes the definition, and is directly functional to the definitions that follows, to which we now turn.

Before moving on to these definitions, a last observation has to be underlined. The Italian official translation is *eredità culturale* (cultural inheritance). The translation is not satisfying. Nevertheless, it is justified by the possible negative consequences deriving from the introduction in the Italian legal order of the expression *patrimonio culturale* with the meaning just analyzed. In the Italian Code of Cultural heritage and Landscape, in fact, *patrimonio culturale* means something of very different nature (the sum of cultural property and natural heritage) and this would have caused problems of consistency in the text of the legislation.

Article 3 of the Faro Convention defines the "common heritage of Europe":

The Parties agree to promote an understanding of the common heritage of Europe, which consists of:

a) all forms of cultural heritage in Europe which together constitute a shared source of remembrance, understanding, identity, cohesion and creativity, and

---

[8] European Landscape Convention, adopted in Florence on 20 October 2000, ETS n. 176. Entry into force at international level on 1 March 2005, in accordance with Article 13.

b) the ideals, principles and values, derived from the experience gained through progress and past conflicts, which foster the development of a peaceful and stable society, founded on respect for human rights, democracy and the rule of law.

The attempt to define the "common heritage of Europe" is one of great audacity in the author's opinion. It probably had some not-negligible influence on the drafting of the Lisbon Treaty (see Section 3).

We can trace its origins back to the Florence Convention[9]. As a matter of fact, the Preamble of the Florence Convention (Recital 3) provides that member States are

Aware that the landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity.

In any case, the key element of Article 3 of the Faro Convention is the notion of the "cultural heritage of Europe" as a "shared source"; the provision must be read in strict connection with the obligations described at 3b), last line.

In the perspective of the Faro Convention, the advantage of the "common heritage of Europe" approach is particularly evident in the regions of Europe affected by border and ethnic conflicts in the past decades. The Faro Convention itself, to a certain extent, is the result of the experience gained through past conflicts (see Section 3). This is the best answer to the critiques according to which the Faro Convention itself was not relevant because it was initially supported only by Eastern European countries. The argument has to be reversed. It is just because these countries faced terrible internal identitarian conflicts in the nineties of last century that they raised awareness in the Western European countries of the problems of cultural heritage and of the "cultural heritage of Europe."

By this reasoning, then, we should agree with the opinion of the commentator (Ferracuti 2011) who observes how in the Faro Convention European identity is qualified "by its heritage of democracy, its capacity to guarantee basic rights to its own citizens". According to this author, the common heritage of Europe must be read as the capacity of the (EU apparatus and of the) member States "to be the guarantors of freedom" (Ferracuti 2011: 217-218) of the citizens.

In any case, the author agrees with the thinking according to which the Faro and the Florence Convention share with C2003 and C2005 the idea that at the core of the "patrimonial apparatus" are the communities of "culture bearers."[10]

---

[9] See note 7, above.

[10] See Lapiccirella Zingari: Documento di sintesi progetto officina del racconto. Associazione Fiesole Futura. Fiesole, March 2012.

Article 2b) introduces the definition of "heritage community":

> a heritage community consists of people who value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generations.

Even more than in the case of Article 2a), the word "people" is decisive. It has been inserted in Article 2b), only after a long discussion among delegates, to emphasize the collective profile of the notion. The choice is confirmed by Article 4a) and b), dedicated to rights and responsibilities.

> The Parties recognize that:
>
> a) everyone, alone or collectively, has the right to benefit from the cultural heritage and to contribute towards its enrichment;
>
> b) everyone, alone or collectively, has the responsibility to respect the cultural heritage of others as much as their own heritage, and consequently the common heritage of Europe;

As for Article 4 c), it deserves particular attention:

> c) exercise of the right to cultural heritage may be subject only to those restrictions which are necessary in a democratic society for the protection of the public interest and the rights and freedoms of others.

The possibility for restriction by public authorities is reduced, not only in the light of the "democratic society" clause but, because of the nature of individual and collective profiles, in regard to the right to cultural heritage.

One author stresses that the heritage community is defined in the absence of "societal parameters, national, ethnic, religious, professional or based on class" (Dolff-Bonekämper 2009: 71). We could wonder if "heritage community" is defined "in the absence of" or instead, "by the absence of." Even more intriguing is the observation by which "the heritage only grows to the extent that new 'mediators' succeed in adding further heritage categories to a list that is hedged about by criteria selected in a far from diversified or consensual fashion by routine, prejudice and conflicts of power" (Leniaud 2009: 139).

At this point, the notion of heritage community helps us in better understanding what the "right to cultural heritage" means: not only the right to benefit from the existing heritage, but also the right to take part in the selection of new cultural expressions aimed at belonging to the notion of cultural heritage.

The Flemish Vision Paper, edited by the Flanders Government in 2010, confirms this conclusion: "as a result the individual has a plural identity and identifies with various groups and communities. Heritage can be designated within each of these groups. If we use the concept of such a plural identity to develop an

intangible cultural policy, this means that we are looking for intangible cultural heritage which (alternatively composed) groups and communities in Flanders identify with."[11]

The important definition will be examined more thoroughly later on (Section 4), when the relationship between the Faro Convention and C2003 will come under close analysis. For now, we will only note how it strengthens, with its "plural identity" concept, a fluid and flexible approach to the problem of defining identity that is capable of lifting us out of the abyss of fixed and rigid identities.

Let us conclude this introductory section with the interesting statement made by the Steering Committee for Cultural Heritage and Landscape[12]. The Committee introduces the relationship between the two notions of heritage community and the common heritage of Europe. In the view of the Committee, "the concept of the common heritage of Europe should be linked with the possible sense of multiple cultural affiliation of all human beings, both individually and collectively." (paragraph 4). "Multiple cultural affiliation" is the very key to introduce ourselves into the new world created by the Faro Convention.[13]

With similar words, Article 4 of the Fribourg Declaration, dedicated to cultural communities, affirms that: "Everyone is free to choose to identify or not to identify with one or several cultural communities, regardless of frontiers, and to modify such a choice"; conversely, "no one shall have a cultural identity imposed or be assimilated into a cultural community against one's will."

The time has come to enter the core sections of our investigation, beginning with the consequences of the Faro Convention on the European legal framework.

3   Consequences on the European Legal Framework

The role played by the CoE in relation to the protection of cultural heritage/property deserves attention, in particular with regard to the destruction of heritage in the context of conflicts. Indeed, the CoE was the first international organization to recognize, in the nineties, the emergence of new kinds of conflicts in which the identitarian dimension was dominant (Zagato 2007, 2012b). In other words, as of 1990 a new category of armed conflict has appeared and become predominant: Conflict in which the destruction of the opponent's cultural heritage,

---

[11] Vision Paper – A Policy for Intangible Cultural Heritage in Flanders, inserted in the trilingual publication: The Government of Flanders' Policy on Safeguarding Intangible Cultural Heritage (2010). Brussel: Government of Flanders.

[12] Council of Europe, Steering Committee for Cultural Heritage and Landscape (CDPATEP), Some Pointers to Help Understand the Faro Convention, Strasbourg, 20 April, 2009.

[13] "In line with the 'heritage community' approach, all individuals have the option of identifying with one or more forms of tangible or intangible heritage, which reflect their past and present […]." (paragraph 4). The only restriction is the respect for the fundamental values reflected, inter alia, in the case law of the European Court of Human Rights.

and of its cultural identity's memory, becomes the target and constitutes the essential goal of the conflict. Indeed, the ultimate political goal of the opponents being "the *'cleansing' of any evidence of cultural continuity and identity*" (Seršić 1996: 38, emphasis added)*,* the destruction of the cultural heritage turns out to be an essential military goal in the conduct of these conflicts.

A first significant document in this regard – the Resolution on Information as an Instrument for Protection against War Damages to the Cultural Heritage*,* drafted by a group of international experts set up in 1994 in Stockholm by the Swedish Government – stated: "The destruction of historic records, monuments and memories serves […] the purpose of suppressing all that bears witness that the threatened people were ever living in the area."[14] Martin Segger (Director of the Maltwood Art Museum, Canada) specifies:

> What differentiates today's tribal and ethnic conflicts from those previously of nation States, is the extent to which erasing, not only ethnical identity but also ethnic memory, has been raised to the status of a legitimate goal.[15]

In this situation, the CoE was the first intergovernmental organization to move: The Vienna Declaration of the CoE's State leaders of 9 October 1993, where the link between human rights and cultural heritage was emphasized, must be taken into account. Of an even greater importance are the preparatory documents of the Finnish and, respectively, of the Czech Delegation at the Helsinki Conference of 1995. Both offer an enlarged definition of cultural heritage (Zagato 2007); the first one by telling us: "the concept of cultural heritage covers all the manifestations and messages of cultural activity in our environment. These messages are passed on from generation to generation through learning, intellectual quest and insights."[16] The second evokes "the enlargement of the concepts of cultural heritage to cultural aspects or cultural resources of the environment and of the society, listed and unlisted, known and unknown, material and immaterial."[17]

Notwithstanding the financial cuts due to the economic crisis and the reduction of programs, culture is even more present in the reformed CoE than before. In fact, since 2012 the pre-existing Steering Committees, in particular the Steering Committee for Cultural Heritage and Landscape, and the Steering Committee for Culture, have been unified in the new Steering Committee for Culture, Cultural Heritage and Landscape (CDCPP).

---

[14] Resolution on Information as an Instrument for Protection against War Destruction to the Cultural Heritage, adopted at the Experts Meeting called by: Swedish Central Board of National Antiquities, Swedish National Commission for UNESCO, and ICOMOS Sweden, Stockholm, 10 June 1994: http://www.iicc.org.cn/Info.aspx?ModelId=1&Id=423 <accessed 30 January, 2015>.

[15] Martin Segger: Introduction to "Toward a Museology of Reconciliation. Dubrovnik, 11 may 1998: www.maltwood.uvic.ca/tmr/segger.html (date of last access 1 August 2014).

[16] Cultural Heritage – a Key to Our Future, Strasbourg, 1996, DOC. MPC-4(96)7.

[17] Cultural Heritage – a Key to Our Future, Strasbourg, 1996 DOC. MPC-4(96)5.

Culture and cultural heritage are at the core of the pillar of democracy in the re-organized CoE (Sciacchitano 2011b). The aim is to guarantee a higher level of coherence among the actions, and a higher level of participation by citizens in the activities relating to cultural heritage, landscape, and culture. In 2013, the Secretariat of the Council of Europe launched the "Action Plan for the Promotion of the Framework Convention on the Value of Cultural Heritage for Society".[18]

In a recent document (March 2014) the Steering Committee for Culture, Heritage and Landscape (CDPCC) identifies three priorities related to the political objectives of the CoE: strengthening social cohesion by managing diversity; improving people's living environment and quality of life; expanding democratic participation.[19] In the light of the Marseilles experience, and in particular of the "Marseilles Forum on the social value of heritage and the value of heritage for society,"[20] the Committee, in its conclusions, shares with the Marseilles Forum an observation of particular relevance: "the geographically and culturally coherent territory becomes the source of a new rootedness."[21]

Let us now turn to the European Union's legal framework in the field of cultural heritage. Articles 107, paragraph 3d), and 167 of the Treaty on the Functioning of the European Union (hereinafter: TFEU)[22], do not differ from the previous articles 87, paragraph 3d), and 151 of the Treaty establishing the European Community (Nice version, hereinafter: TEC) the first providing that:

---

[18] Council of Europe, Steering Committee for Culture, Heritage and Landscape (CDCPP), Action Plan for the promotion of the Framework Convention on the Value of Cultural Heritage for Society, 2013 (16), Strasbourg, 17 May 2013: http://www.coe.int/t/dg4/cultureheritage/cdcpp/plenary/CDCPP2013-16_EN.pdf (date of last access 30 January 2015).

[19] Council of Europe, Steering Committee for Culture, Heritage and Landscape (CDCPP), Identification of Best Practices on Improving Living Spaces and Quality of Life, in Line with the Faro and Landscape Conventions, (2014) 13 rev., Strasbourg, 12 March 2014: www.coe.int/t/DG4/cultureheritage/CDCPP/Plenary/CDCPP2014-13_EN.pdf. (date of last access 1 August 2014).

[20] Held in Marseilles from 12 to 13 September 2013, organized by the CoE and the European Commission. Conclusions and Summary of the Marseilles Forum are reproduced as Appendix of the CDCPP Document of March 2014. The Marseilles Forum was preceded by the Conference held in Venice by the Venice Office of the CoE. In Spring 2014 two important events took place in Venice: the Workshop "The Faro Laboratory in Venice: 'Rethinking Venice together.' The Challenge of the Metropolitan City between the Past and the Future" (April 1) and moreover the Seminar "Venice between Past and Future. The Challenge of the Metropolitan City" (May 7, at Forte Marghera). Both have been organized by the CoE Office in Venice, in co-operation with the Veneto Region and Marco Polo G.E.I.E System.

[21] In this way "the community becomes the key forum for sharing aspirations, expressing wishes and solidarities, sharing responsibilities, becoming actors and conducting practical action vis-à-vis an environment which has been appropriated and is now shared." Marseilles Forum on the social value of heritage and the value of heritage for society, Appendix to the CDCPP Document of 12 March 2014. On the whole, the 2014 CDCPP Conclusions insist on a territorial approach, whose rigidity leaves room, in this author's opinion, for further evaluation (see below, Conclusion).

[22] Treaty on the Functioning of the European Union, adopted in Lisbon on 13 December 2007, Official Journal C 115, 9 May 2008. Entry into force on 1 December 2009, in accordance with article 357.

3. […] may be considered to be compatible with internal Market: […]

d) [State] aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Union to an extent that is contrary to the common interest.

and the second (art. 167 TFEU) reading that:[23]

Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas: […]

– conservation and safeguarding of cultural heritage of European significance, […]

But we find a very important difference when we focus on Article 3, paragraph 3 last paragraph of the Treaty of the European Union (hereinafter TEU)[24]:

[The Union] shall respect its rich cultural and linguistic diversity and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

On the contrary, Article 3.3 last paragraph of TEC stated that:

The activities of the Community shall include […]

q) a contribution to the […] flowering of the cultures of the member States.

Affirming that "the Union shall respect its cultural and linguistic diversity," the Treaty moves away from its previous state-centric attitude. Moreover, "[The Union] shall ensure that Europe's cultural heritage is safeguarded and enhanced": The Union is emancipating itself from the limits imposed by articles 107 and 167 TFEU.

The EU competences in the field of cultural heritage become the object, by means of the solemn insertion among the first provisions of the TEU, of a kind of 'constitutionalization' (Zagato 2011a: 258; see also Sassatelli 2009). Not far from this opinion is the conclusion of another scholar (Craufurd Smith 2007: 64; see also Craufurd Smith 2004; Psychogiopoulou 2006, 2008) who observes:

The territory limited by the EU [can be looked at] as a common cultural resource. Such common cultural resource must be reconfigured in ways that look beyond familiar nationally oriented conceptions of culture.

To some extent we can hear in the new EU approach to culture and cultural heritage an echo of the Faro Convention's Articles 2 and 3.

---

[23] Article 167, paragraph 5 TFEU differs from Article, 151 paragraph 5 TCE in relation to procedures, but procedure is not the point in this essay.

[24] Treaty on European Union, adopted in Lisbon on 13 Dcember 2007, Official Journal C 115, 9 May 2008. Entry into force on 1 December 2009, in accordance with article 54.

First of all, there is a paradigm shift from the earlier "mosaic-type" approach (pursued by the Union, but also to some extent by the CoE). When we say "mosaic type" we mean that the member State's mission in the field of culture and cultural heritage is thought of as reassembling the reciprocal cultural differences in a common belonging to Europe (e.g. the transfrontalier projects for the reciprocal knowledge and the sharing of the respective national heritages). We talk of a paradigm shift because the new approach is based on the cultural and heritage differences internal to the member states (or of a transnational character), which must guarantee the respect of the cultural freedom of people who live inside.

There is something more: In the case of the cultural heritage of Europe, the European institutions' mission is to ensure that such heritage is enhanced. The expression 'enhancement' never appeared before in an EU instrument in relation to this topic. It appears in the Faro Convention, namely in Article 5b) ("Parties undertake to enhance the value of the cultural heritage through […]"), 14 ("[…] enhance access to cultural heritage") and 14b) ("supporting internationally compatible standards […] for the enhancement […] of cultural heritage"). A singular form of contamination is thus revealed (see below, Section 4): The definition contained in an Article of the new EU version (Lisbon Treaty) is only able to be fully interpreted in the light of that contained in another instrument parallel to it, produced by another organization, namely the Council of Europe.

 A convergence emerges between the notion of heritage community, made by people who can move cross-culturally and through territories, social groups, time (as a consequence the same individuals may belong, contemporarily or in a sequence, to more than one heritage community) and the fluid, to some extent neo-nomadic, profiles of European citizenship: At least inside the "European political space," as defined by the AG Maduro in the famous "Rottman" case,[25] a political and legal space based on the mobility of the men and women who are part of it (Rigo 2011), which identifies the internal migrant as its usufructuary, the so-called Erasmus generation as its social foundation, the common cultural resource as the core content of its territorial extent (Zagato 2011a, forthcoming c).

So, the Faro Convention and the new TEU architecture, in the field of cultural heritage, together provide a precious contribution: a non-rigid approach, changing and evolving, to the question of identity. In other words it creates the ideal basis, taking as its departure point the overcoming of the vision of Europe as the sum of culturally homogeneous nations (mosaic approach described above), to arrive at the perception of the European identity as "a continuous work in progress, never reassembled, inherently mobile: hybrid"[26] (Ferracuti 2011: 218).

---

[25] CGEU 2 March 2010, C-136/8, *Rottmann*, I-1683.

[26] At this point, Ferracuti introduces some very opportune considerations on the nexus between European identity and post-colonial debate. Precisely the development of the "Faro spirit" stimulates a further investigation on this complex issue. By helping to flush out the spectres, too long concealed,

4 "Heritage Communities" vs. "Communities, Groups and Individuals" according to the 2003 UNESCO Convention: Room for a (Fruitful) Contamination?

Article 2, paragraph 1 of the C2003 provides:

> The 'intangible cultural heritage' means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts 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.

The doctrine identifies three components in the definition (Scovazzi 2009, 2012a, 2012b, 2012c; Urbinati 2012): a subjective or social component, "community, groups and in some cases individuals"; an objective component (the manifestations of cultural heritage); and a spatial one (cultural spaces). Moreover, an author (Urbinati 2012: 35) argues that, while the second and third components are usually common to Tangible and Intangible Cultural Heritage, the first relates mainly to Intangible Cultural Heritage. It is certainly a view worth sharing; however, Article 2, paragraph 1, only indirectly defines what one should understand for "communities, groups and, in some cases, individuals." To be precise, it attributes a role to trustees and practitioners of Intangible Cultural Heritage in relation to the activity of safeguarding, which, under Article 2, paragraph 3, means:

> […] measures aimed at ensuring the viability of intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.

The participation of social actors in the conduct of such activities is specified in Articles 11 and 15; the latter, however, using the expression "shall endeavor" referring to member States, reveals not only that the responsibility of safeguarding remains with the member States – speaking of an international Convention there can be no doubt on this point (Zagato 2008: 35–36) – but also that there is no absolute obligation for the States to involve groups and communities (Urbinati 2012). The subsequent choice by the Intergovernmental Committee to invite the Subsidiary

---

that cling to Europe, or rather, forcing us to do so, the Faro Convention provides an added service, certainly no less important than those above quoted, to the men and women of Europe.

Body (hereafter: SB) to draft a document on the participation of "communities, groups, and, in some cases, individuals" for an application of the Convention at a national level, led to a project presented by the SB to the Intergovernmental Committee,[27] that invites States to develop this participation, giving guidance on how to foster the development of networks between communities, experts, groups of experts and research institutions; it does not, however, contain the clear obligation to do so. Subsequently, the SB, indirectly, has again expressed itself on the participation of communities and groups, and on adopting safeguard measures at national level (Bandarin 2012).[28] Amongst the various activities States have been urgently required to undertake, over time, to guarantee a role for communities, a particular mention needs the activity of taking inventory (Bortolotto 2008b, 2012; Broccolini 2012; Ciarcia 2007; Mariotti 2011b, 2011c).[29]

Here, then, is the challenge: Is it possible to read the notion of "communities and groups" in Article 2, paragraph 1 of the C2003 in the light of the (wider and innovative) notion of "heritage community" introduced by the Faro Convention? In case of a positive answer, which are the limits (if any) of such a contamination?[30] Which are the possible consequences? And, moreover, why should we do that?

On the one hand, from the international legal order's point of view, first of all, the said contamination is feasible (Zagato 2014b, forthcoming b, d).

Article 31 of the Vienna Convention on the Law of Treaties (hereinafter: CV)[31] codifies at paragraph 3c) a rule of general international law, according to which, in the interpretation of any Treaty, consideration must be given to "Any relevant rules of international law applicable in the relations between the Parties."

In 2001, in "Kordic and Cekez" (joint cases),[32] the International Criminal Tribunal for the former Yugoslavia decided that the wide definition of cultural property present in the Article 1 of the Hague Convention of 1954 on the Protection of

---

[27] UNESCO doc. ITH/08/2.EXT.COM/Conf.201/6, 31 January 2008. Subsequently, the amended project has been adopted by the General Assembly of the States Parties, constituting the first part of Chapter III of the Guidelines.

[28] In this regard, see ultimately NGO Statement ICH-8.com, compiled in Baku at the meeting of the Intergovernmental Committee for the Safeguarding of Intangible Heritage, held in the Azerbaijani capital on 1-8 December 2013, http://www.ichngoforum.org (date of last access 31 August 2014). On the results of the work in Baku, see the report by V. Lapiccirella Zingari, coordinator of Simbdea-ICH (on the association's website).

[29] At the international level, the state proposing an application for the inscription in one of the Lists has to prove, in compliance with the R4 requirement of the Guidelines, that the application takes into account "the widest possible participation of the communities, groups or […] individuals concerned and with their free, prior and informed consent."

[30] On the perspective of contamination in international law see Zagato 2014f.

[31] Convention on the Law of Treaties, adopted in Vienna on 23 May 1969. Entry into force on 27 January 1980, in accordance with Article 84.

[32] ICTY, 26 February 2001, *The Prosecutor* v. *Kordic and Cerkez*, IT-95-14/2-T.

Cultural Property in the Event of Conflict (hereinafter: HC 1954)[33] had to be applied, instead of the "poor" concepts established by Article 3 of its Statute, deriving from Article 27 of the Regulation annex to the IV Convention of the Hague (1907) Respecting the Laws and Customs of War on Land (Zagato 2007). In the opinion of the Court, the *lex specialis/lex generalis* relationship between the latter (Article 1 of the HC 1954) and the previous provision (Article 27 of the 1907 Regulation)[34] was sufficient, even without having recourse to Article 31 CV.

Regarding the internal legal orders we must pay attention to the mechanisms of incorporation of international norms according to the internal division of competences between the State and the sub-State bodies.

The more the competences in our subject areas are divided between the central state and sub-state bodies, the easier it will be to realize the fruitful phenomenon of contamination discussed here. In the Italian case, the constitutional reform enacted with Constitutional Law No. 3 of 2001 amended in a functional sense the division of powers between the State and the Regions in the area of cultural heritage (Giampieretti 2011b). As far as the Regions governed by ordinary statute (*statuto ordinario*)[35] are concerned, the State maintains the responsibility of protection, while valorization becomes a matter of Region's competence. Safeguarding, however, is a term with wider significance, as seen, which takes into account both protection and valorization, not separated from other standpoints. It deals with internationally derived notions as well. The *Codice dei beni culturali e del paesaggio* (Code of the Cultural and Landscape Heritage) takes into account the contents of recent international Conventions ratified by Italy, such as the Unidroit Convention (Article 87 *bis*)[36], the Florence Convention,[37] and the Convention on the Protection of the Underwater Cultural Heritage.[38] As far as C2003 and C2005 are concerned, the

---

[33] Convention on the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954, in United Nations Treaty Series, v. 249 (1956), pp. 240-270. Entry into force 7 August 1956, in accordance with Article 33.

[34] Article 27 of the Annex says: "In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes. It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand."

[35] The competencies of the Regions under *statuto speciale* are determined by their respective special statutes; however, Article 116, paragraph 3 of the Constitution anticipates that "particular forms and conditions of autonomy" in relation to cultural assets can be conceded to the *statuto ordinario* Regions if they ask for them.

[36] Introduced by Decreto Legislativo 26 marzo 2008 n. 62.

[37] Article 131 (introduced by Decreto Legislativo 26 marzo 2008, n. 63).

[38] Adopted by the UNESCO General Conference 31st, Paris, 2 November 2001. Entry into force on 2 January 2009, in accordance with Article 27. The Convention not having been ratified by Italy at the time, Article 94 of the Code represents an interesting example of an anticipatory regulation (Giampieretti 2011b).

new Article 7bis of the Code of the Cultural and Landscape Heritage has legally codified only expressions of collective cultural identity; this, however, inasmuch as they "may be represented by material evidence," subject to the prerequisites of Article 10, which defines in detail the various types of cultural property (for a critical appraisal, Giampieretti 2011a: 145-146; see also Sciullo 2008).

In the void created by the silence coming from the central State, a larger space for initiatives by the Regions has been created. At present, Lombardy is the only region to have adopted a law for safeguarding Intangible Cultural Heritage,[39] namely *Legge regionale n.27* in 2008.[40] This law, in addition to the definition of Intangible Regional Cultural Heritage, indicates the agency – not created *ad hoc,* but already existing in the Archive of Ethnography and Social History (AESS) – charged to proceed with the safeguarding of Lombardy's Intangible Regional Cultural Heritage. Article 2 of the regional law reproduces the various activities envisaged under Article 2, paragraph 3 of C2003 in relation to safeguarding, without using the term safeguarding. It is certainly a significant initiative. Looking forward in this direction, moreover, the proposed additions to the draft regional law on the culture and cultural heritage of the Veneto region are pushing ahead (Picchio Forlati 2014: 277-282; Giampieretti and Barel 2014), and refer to C2003, C2005 and the Faro Convention combined, introducing without doubt the notion of community heritage; this, even in the absence, at present, of an Italian ratification of the Faro Convention. If it is destined to arrive at a successful conclusion, the Veneto experiment will retrace the steps already taken by the Flanders government, reported in the Flemish Vision Paper.

The examples offered by the regional law of the Lombardy region, and even more by the draft law of the Veneto Region, not only confirm – following the path taken by the Flanders government – that the internal legal system of a country can proceed, within certain conditions, in the sense of a converging interpretation of provisions present in two different international instruments; they also confirm that the regional legislature can exercise a key role.

This does not preclude the lately supported claim relating to the different scope of the application of the Faro Convention's *ratione materiae* if compared with C2003. It is certainly true that the first applies to both Tangible and Intangible Cultural Heritage and, therefore, under Italian law the responsibility, at least in part (protection of Tangible Cultural Heritage), undoubtedly belongs to the State. It has already been seen (Urbinati 2012) how the notion of communities inheres naturally in the subjective profile that characterises the domain of the Intangible: This is true also, and one could say above all, for the community heritage referred to in the

---

[39] On the subject see Giampieretti 2011a, 2011b; a detailed study on the connected case of the regional laws concerning the *ecomusei* is Da Re 2011.

[40] Regional Law 23 October 2008 n. 27, Valorizzazione del patrimonio culturale immateriale – B.U.R. 28/10/2008 n. 44 – recalling law 167/2007 authorizing the ratification and the implementation into the legal system of the Convention 17 October 2003, in G.U. n. 238 del 12/1072007.

Faro Convention. This Convention, in fact, moves the focus from the value of the heritage in itself to the value that the different groups that make up civil society assign to specific objects and cultural behaviours (Zagato 2012b; see also Clemente 2011; D'Alessandro 2014; Ferracuti 2011).

On the other hand, there is no particular value in the observation that it would not be possible to interpret universal instruments such as C2003 in the same way as the innovations introduced by a regional instrument like the Faro Convention. The practice is full of such phenomena (Zagato 2014b). Amongst other things, one must consider that the Faro Convention provides for the possibility of the CoE inviting other non-European countries to join,[41] a process now at an advanced stage, at least with a State of the Maghreb (Algeria). This open nature of the Faro Convention could lead, in time, to an expansion of the membership, in addition to the European countries and the neighbouring adherents of the CoE, to include the countries of Northern Africa and the so-called Eurasian Belt. In other words, the Faro Convention may be looked at as an instrument of variable geometry (Kuijper 2004; Zagato 2006a, 2011c).

Of great significance, but only *prima facie*, is the objection that the notion of heritage community (eredità culturale) would contain elements of otherness in respect to the process of heritization intended by C2003. The evolving interpretation of a treaty (in this case C2003) cannot, in fact, go against the text itself;[42] nor is there any doubt that there are many cultural expressions produced by heritage communities that do not meet the criteria which are part of the operational guidelines for inclusion in one of the "three" lists envisaged by the C2003.[43] The objection would, in fact, make sense if there were in question a misunderstanding of the scope of an objective application of C2003, so as to invoke a sort of fungible relationship between the two instruments; something obviously impossible, since the notion of heritage community, within the meaning of the Faro Convention, clearly has wider reach than the "communities and groups" referred to in C2003.

---

[41] Article 19 of the Faro Convention affirms: "After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe, and the European Community, to accede to the Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers."

[42] As noted by the International Law Commission on the Application of Article 31, paragraph 3 of the Vienna Convention. See the Report by the International Law Commission Study Group, Fragmentation of the International Law – Difficulties arising from the Diversification and Expansion of International Law (UN. Doc. A/CN 4/L 702), 18 July 2006, adopted by the International Law Commission at 58° session.

[43] And that is: the List of Intangible Cultural Heritage of Humanity (Article 16), the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Article 17), the Register of Best Safeguarding Practices (Article 18). The reference to three Lists is provocative, being well known that the nature and purpose of the Register is different from those of the Lists (Blake 2006). In practice, however, the Register has worked similarly to a third List, but no further discussion can be here included about this issue.

We refer, rather – it is worth repeating – to a contamination between the two legal instruments, with regard to their objective field of application. From this point of view it is difficult to think of communities and groups who pass down and revitalise cultural expressions in the sense of Article 2 of C2003, as not falling within the notion of heritage community: from those determined at a local level[44] to those involving transnational communities.

The contamination between the two instruments in this sense has already determined a firm foothold on the European continent. It is useful to recall the Flemish Vision Paper (above, Section 2): This guides the work of the Flemish legislator on issues related Intangible Cultural Heritage, in line with the obligations undertaken after the Belgian ratification of C2003. It is not limited to this, however, though it certainly indicates the opportunity to interpret the concept of "communities and groups" on a par with the notion of heritage community, within the meaning of the Faro Convention (Zagato 2013); contamination between the two notions, on the other hand, is already well under way, as much in our daily business as in our theoretical reflections.[45]

With time, the Faro Convention, and in particular the notion of "heritage community," can become a parameter, a kind of model (law) useful in the application of C2003, even by States which are not interested in ratifying the previous one.

It remains to explain why the work of contamination might be necessary: It is not only a matter of reinvigorating the notion of communities (and groups) referred to in C2003 with the interpretative key provided by the notion of heritage community. It is indeed true that the notion of community is complex, at the centre of widespread debate, and above all considered with suspicion for its ethnicist/localist implications (with consequent racist and xenophobic undertones, see Fiorita 2011; Zagato 2011d) assumed in the end of millennium crisis.[46] Thus, it is from this fundamental perspective that the interpretative key given by the notion of heritage communities (Faro) intervenes to reinforce, and make more explicit, the meaning

---

[44] For example, the Venetian Cultural Heritage Walks, promoted by the Faro for Europe group of Venice, and the Marseille Cultural Heritage Walks that inspired the former.

[45] A somewhat similar phenomenon is occurring in Latin America (Zagato 2014b). On the Declaration of Rights of Indigenous Peoples and on the role of UNPFII (United Nations Permanent Forum on Indigenous Issues), see Chianese 2011; Rigo and Zagato 2012; Stavenhagen 2009; Tauli Corpuz 2005; Zagato 2011b.

[46] Interesting, in order also to recall the issues from where we started, is the definition of communities given by the UNESCO group of experts meeting in Tokyo in 2006: "communities are networks of people whose sense of identity or connectedness emerges from a shared historical relationship that is rooted in the practice and transmission of, or engagement with, their ICH;" UNESCO-ACCU, Expert Meeting on Community Involvement in Safeguarding Intangible Cultural Heritage: Towards the Implementation of 2003 Convention, 13-15 March 2006, Tokyo.

of "other" communities already implied in C2003,[47] even if this meaning has not been defined yet.

In this regard, it is worth recalling the opinion of the author who – catching the difference between so-called "natural" communities and heritage communities – observes that while the first is based on membership of an ethnic group, a territory and a history together, adherence to a heritage community is instead a mode of collective aggregation that "highlights the constructed nature of each community, whose members, dispersed in a space that can be transnational or discontinuous, constantly and voluntarily reaffirm their commitment" (Bortolotto 2012: 88–89). It is as much as saying the communities did not pre-exist the process, and cease to exist with the interruption of it. This enables us to emphatically affirm the nature of the idea of community heritage as the foundation of democratic heritage, placing it firmly out of the reach of the populists and ethnicists who foul the air around us.

5   Conclusion

This paper focuses on the most innovative concepts contained in the Faro Convention, the influence exerted on the European legal framework, and the effects of reciprocal contamination with the definitions contained in C2003. In this way other important aspects related to the obligations assumed by member States, have probably received less attention than they might deserve. We are referring in particular to Sections III ("Shared responsibility for cultural heritage and public participation") and IV ("Monitoring and co-operation") of the Convention. It is precisely in relation to this, then, in the wake of the Marseilles experience, that Italy has in recent months witnessed important developments.

On one hand, the Municipal Council of Fontecchio – in the province of Aquila, devastated by the terrible earthquake a few years ago – has officially declared its adhesion to the principles of the Faro Convention.[48] We are talking of a symbolic

---

[47] See Francesco Bandarin, Sous-Directeur général pour la culture, discours à l'occasion de l'ouverture du colloque "Le patrimoine oui, mais quell patrimoine?", 3 avril 2012 (organisé pour la Commission nationale française pour l'UNESCO avec la collaboration de la MCM/Centre français du patrimoine culturel immatériel), Pp 1-7. Referring to the notion of communites in C2003, this author affirms (p. 6), "dans la logique de la Convention du patrimoine immatériel, la valeur est mise en relation avec la communauté: cette valeur devient évolutive, changeante et n'a pas de sens en l'absence de la communauté. Si la communauté disparait, la valeur disparait en même temps."
http://unesdoc.unesco.org/images/0022/002256/225608F.pdf < accessed 30 January, 2015>.

[48] Resolution of the Fontecchio Municipal Council, 2 December 2013, adhering to the principles of the Convention in the framework of the CoE on the Value of Cultural Heritage for Society. The resolution underscores the convergence between the principles expressed in the Faro Convention and the "Casa&Bottega" project launched by the administration, according to which "the historical public real estate portfolio is an instrument to combat depopulation, to start and manage artisanal economic initiatives, to protect the landscape, to promote sustainable development, to enhance the quality of life."

gesture, but one that is richly significant. On the other hand, a group of interested people, from private and public spheres, but anyway belonging to Venetian civil society – thanks to the encouragement and the coordination efforts guaranteed by the CoE-Venice – produced the Venice Charter on the Value of Cultural Heritage for the Venice Community (7 May 2014). Thanks to the Charter, a still not quite completely defined "Venetian community" presents itself on the scene firmly indicating the principles of the Faro Convention under which it intends to pursue its course and simultaneously affirming (in the text of the Charter) its intention to strive "to set concrete measures for its full and effective implementation." The novelty and interest of the experiment are evident both in terms of merit and, in the eyes of the scholar of International Law, from a scientific-technical point of view.

The latter will be discussed more widely elsewhere. In the meantime, the practice in various European countries allows us to move from the area of definitions to the field of the application of the Faro Convention.

And yet…the choice of focusing on the fundamental notions of the Faro Convention, nevertheless, in this writer's opinion, has not been idle. The first attempts to implement the Faro Convention are occurring under a heightened territorial profile.[49] It is something understandable, a phenomenon that starts from the civil society, useful to rebut the ideologies inspired by ethnicist localism on their own home ground. It would be a misfortune, however, if along this path we would forget that the concept of heritage community is not necessarily caged by the territorial dimension. On the contrary, it has a much broader reach and serves for wide deployment.

The theoretical debate, as we say in these cases, has only just begun.

---

[49] The present writer is one of the drafters of the Venice Charter on the Value of Cultural Heritage for the Venice Community, and is actively involved, along with his fellow adventurers, old and new, in the effort to give it practical application.

References

Alessandro, Maria Maddalena, and Clarice Marsano (2011): La Convenzione europea e la diffusione di una nuova cultura del paesaggio. Notiziario Mibac XXV–XXVI: 53–54.

Arantes, Antonio (2011): Diversità culturale e politiche della differenza nella salvaguardia del patrimonio culturale intangibile. Antropologia Museale 10(28–29): 52–61.

Aylett, Holly (2010): An International instrument for International Cultural Policy. The Challenge of the UNESCO Convention for the Protection and the Promotion of the Diversity of Cultural Expressions. International Journal of Cultural Studies 13: 355–373.

Blake, Janet (2001): Developing a New-Standard Setting Instrument for the Safeguarding of Intangible Cultural Heritage. Elements for Consideration. Paris: UNESCO.

– (2006): Commentary on the UNESCO 2003 Convention on the Safeguarding of the Intangible Cultural Heritage. Leicester: Institute of Art and Law.

– ed. (2007): Safeguarding Intangible Cultural Heritage. Challenges and Approaches: a Collection of Essays. Builth Wells: Institute of Art and Law.

Bortolotto, Chiara (2008a): Il processo di definizione del concetto di 'patrimonio culturale immateriale': elementi per una riflessione. In Il patrimonio immateriale secondo l'UNESCO: analisi e prospettive. Chiara Bortolotto, ed. Pp. 7–48. Rome: Istituto Poligrafico e Zecca dello Stato.

– (2008b): Les inventaires du patrimoine culturel immatériel. L'enjeux de la participation. Rapport de recherche pour le Ministère de la Culture et de la Communication. Paris: Ministère de la Culture et de la Communication.

– ed. (2011): Le patrimoine culturel immatériel. In collaboration with Annick Arnaud et Sylvie Grenet. Paris: Éditions de la Maison des Science de l'Homme.

– (2012): Gli inventari del patrimonio culturale intangibile – quale "partecipazione" per quale comunità? In Il patrimonio culturale nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 75–91: Milan: Giuffré.

Broccolini, Alessandra (2012): L'UNESCO e gli inventari del patrimonio immateriale in Italia. Antropologia Museale 10(28–29): 41–51.

Cabasino, Emilio (2011): La Convenzione sulla protezione e promozione della diversità delle espressioni culturali a quattro anni dalla sua ratifica. Notiziario Mibac XXV–XXVI: 160–167.

Carmosino, Cinzia (2013): La Convenzione quadro del Consiglio d'Europa sul valore del patrimonio culturale per la società. Aedon Rivista di arti e diritto No.1. www.aedon.mulino.it. (date of last access 1 August 2014)

Chianese, Maria Francesca (2011): The Permanent Forum on Indigenous Issues' Work in the Field of Indigenous Peoples' Rights Recognition and Diffusion: An Overview. Thule (26/27) – (28/29): 115–164.

Ciarcia, Gaetano (2007): Inventaire du patrimoine immatériel en France. Du recensement à la critique. Rapport d'étude. Les carnets du Lahic 3. http://www.iiac.cnrs.fr/lahic/sites/lahic/IMG/pdf/Carnet_no3.pdf <accessed 01 August, 2014>

Ciminelli, Maria Luisa (2008): Salvaguardia del patrimonio culturale immateriale e possibili effetti collaterali: etnogenesi ed etnomimesi. *In* Le identità culturali nei recenti strumenti UNESCO. Un approccio nuovo alla costruzione della pace? Lauso Zagato, ed. Pp. 99–122. Padua: Cedam.

Clemente, Pietro (2011): L'Europa delle culture e dei progetti europei. Dall'Europa all'UNESCO: il contributo dell'antropologia tra cosmo e campanile. *In* Le culture dell'Europa, l'Europa della cultura. Lauso Zagato and Marilena Vecco, eds. Pp. 72–78. Milan: Franco Angeli.

Council of Europe (2009): Heritage and beyond. Strasbourg: Council of Europe Publishing.

Cornu, Marie (2006): La Convention pour la protection et la promotion de la diversité des expressions culturales. Journal du droit international No.3: 929–993.

Craufurd Smith, Rachael, ed. (2004): Culture and European Union Law. Oxford: Oxford University Press.

– (2007): From Heritage Conservation to European Identity: Article 151 and the Multi-faceted Nature of Community Cultural Heritage. European Law Review No.1: 48–69.

D'Alessandro, Alberto (2014): La Convenzione-quadro del Consiglio d'Europa sul valore dell'eredità culturale per la società (Faro, 27 ottobre 2005). *In* Il patrimonio culturale immateriale. Venezia e il Veneto come patrimonio europeo. Picchio Forlati Maria Laura, ed. Pp. 194–198. Venice: Edizioni Ca' Foscari Digital Publishing.

Da Re, Claudia (2011): Salvare la memoria del fare: gli ecomusei tra Stato e Regioni. Antropologia Museale 10(30): 61–66.

De Simonis, Paolo, Valentina Lapiccirella Zingari, and Silivia Mantovani (2013): Narrando@Fiesole. Abitare il paesaggio, ascoltare le voci. Ri-vista Ricerche per la progettazione del paesaggio 19: 85–99.

Dolff-Bonekamper, Gabi (2009): The Social and Spacial Frontiers of Heritage – What Is New in the Faro Convention? *In* Heritage and beyond. Pp. 69–74. Strasbourg: Council of Europe Publishing.

Fairclough, Graham (2009): New Heritage Frontiers. *In* Heritage and beyond. Strasbourg: Council of Europe Publishing. Pp. 29–42.

Ferracuti, Sandra (2011): L'etnografo del patrimonio in Europa: esercizi di ricerca, teoria e cittadinanza. *In* Le culture dell'Europa, l'Europa della cultura. Lauso Zagato and Marilena Vecco, eds. Pp. 206–228. Milan: Franco Angeli.

Ferri, Delia (2010): La Convenzione UNESCO sulla diversità culturale nella prospettiva della sua attuazione nell'Unione europea. *In* Cittadinanza e diversità culturale nell'Unione europea. Maria Caterina Baruffi, ed. Pp. 163–182. Padua: Cedam.

Fiorita, Nicola (2011): Uguaglianza e libertà religiosa negli "anni zero". Diritto, Immigrazione e Cittadinanza XIII (1): 30–49.

Gattini, Andrea (2008): La Convenzione UNESCO sulla protezione e promozione della diversità culturale e regole WTO. *In* Le identità culturali nei recenti strumenti UNESCO. Un approccio nuovo alla costruzione della pace? Lauso Zagato, ed. Pp. 191–208. Padua: Cedam.

Giampieretti, Marco (2011a): Il sistema italiano di salvaguardia del patrimonio culturale ed i suoi recenti sviluppi nel quadro internazionale ed europeo. *In* Lezioni di diritto internazionale ed europeo del patrimonio culturale. Lauso Zagato and Marco Giampieretti, eds. Pp. 127–153. Venice: Cafoscarina.

– (2011b): La salvaguardia del patrimonio culturale italiano tra identità e diversità. *In* Le culture dell'Europa, l'Europa della cultura. Lauso Zagato and Marilena Vecco, eds. Pp. 135–162. Milan: Franco Angeli.

Giampieretti, Marco and Bruno Barel (2014): Spunti per una legge regionale sulla salvaguardia del patrimonio culturale immateriale. *In* Il patrimonio culturale immateriale. Venezia e il Veneto come patrimonio europeo. Maria Laura Picchio Forlati, ed. Pp. 203–218. Venice: Edizioni Ca' Foscari Digital Publishing.

Greffe, Xavier (2009): Heritage Conservation as a Driving Force for Development. *In* Heritage and beyond. Pp.101–112. Strasbourg: Council of Europe Publishing.

Herrero de la Fuente, Alberto (2001): La Convenzione europea sul paesaggio (20 ottobre 2000). Rivista giuridica dell'ambiente No. 6: 893–907.

Kono, Toshiyuki (2007): UNESCO and Intangible Cultural Heritage from the Viewpoint of Sustainable Development. *In* Standard-Setting at UNESCO.

Abdulqawi Yusuf, ed. Pp. 237–266. Paris: UNESCO Publications/Martinus Nijhoff Publishers.

Kurin, Richard (2004): Safeguarding Intangible Cultural Heritage in the 2003 UNESCO Convention. A Critical Appraisal. Museum International 56(1–2): 88–77.

– (2007): Safeguarding Intangible Cultural Heritage: Key Factors in Implementing the 2003 Convention. International Journal of Intangible Heritage 2: 13–15.

Kuijper, Pieter Jan (2004): The Evolution of the Third Pillar from Maastricht to the European Constitution. Common Market Law Review 41(2): 609–626.

Lapiccirella Zingari, Valentina (2011): Le frontiere dell'immateriale. *In* Le culture dell'Europa, l'Europa della cultura. Lauso Zagato and Marilena Vecco, eds. Pp. 79–91. Milan: Franco Angeli.

Leniaud, Jean-Michel (2009): Heritage, Public Authorities, Societies. *In* Heritage and beyond. Pp. 137–140. Strasbourg: Council of Europe Publishing.

Lenzerini, Federico (2011): Intangible Cultural Heritage: The Living Culture of Peoples. European Journal of International Law 22(1): 101–120.

Mariotti, Luciana (2011a): La Convenzione per la salvaguardia del patrimonio culturale intangibile (Parigi 2003). Notiziario Mibac XXV–XXVI: 158–159.

– (2011b): Spirito e Senso dei luoghi: approccio integrato alla salvaguardia e alla Conservazione del patrimonio culturale. *In* Luoghi e oggetti della Memoria.Valorizzazione del patrimonio Culturale. Studio di casi in Italia e in Giordania. Lucilla Rami Ceci, ed. Pp. 97–108. Rome: Armando.

– (2011c): Procedure e criteri d'iscrizione di elementi del patrimonio culturale immateriale. Antropologia Museale 10(28–29): 83–86.

– (2012): Valutazione d'insieme del patrimonio culturale intangibile italiano. *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 203–210. Milan: Giuffré.

Meyer-Bisch, Patrice (1998): Les droits culturels. Projet de déclaration. Paris/Fribourg: UNESCO.

Picchio Forlati, Maria Laura, ed. (2014): Il patrimonio culturale immateriale. Venezia e il Veneto come patrimonio europeo. Venezia: Edizioni Ca' Foscari Digital Publishing.

Pineschi, Laura (2008): Convenzione sulla diversità culturale e diritto internazionale dei diritti umani. *In* Le identità culturali nei recenti strumenti UNESCO. Un approccio nuovo alla costruzione della pace? Lauso Zagato, ed. Pp. 159–190. Padua: Cedam.

Priore, Riccardo (2006): Convenzione europea del paesaggio. Reggio Calabria: Liriti.

Psychogiopoulou, Evangelia (2006): The Cultural Mainstreaming Clause of Art. 151(4) EC: Protection and Promotion of Cultural Diversity on Hidden Cultural Agenda? European Law Journal 12(5): 575–592.

– (2008): The Integration of Cultural Considerations in EC Law and Politics. Leiden: Martinus Nijhoff Publishers.

Rigo, Enrica (2011): Cittadinanza. Trasformazioni e crisi di un concetto. *In* Introduzione ai diritti di cittadinanza, III. Lauso Zagato ed. Pp 11–37. Venezia: Cafoscarina.

Rigo, Enrica, and Lauso Zagato (2012): Territori. *In* Atlante di filosofia del diritto, Vol. II. Ulderico Pomarici, ed. Pp. 259–287. Turin: Giappichelli.

Sassatelli, Monica, ed. (2006): Landscape as Heritage: Negotiating European Cultural Identity. EUI Working Papers, RSCAS 2006/05. Florence: European University Institute.

– (2009): Becoming Europeans: Cultural Identity and Cultural Policies. Basingstoke: Palgrave Macmillan.

Sciacchitano, Erminia (2011a): La Convenzione quadro sul valore dell'eredità culturale per la società. Notiziario Mibac XXV–XXVI: 170–171.

– (2011b): La riforma del Consiglio d'Europa. Notiziario Mibac XXV–XXVI: 168–169.

Sciullo, Girolamo (2008): La tutela: gli artt. Aedon Rivista di arti e diritti No. 3: 1–15.

Scovazzi, Tullio (2009): Le concept d'espace dans trois conventions UNESCO sur la protection du patrimoine culturel. L'Observateur des Nations Unies 26: 7–23.

– (2010): La Convention pour la sauvegarde du patrimoine culturel immatériel. *In* International Law: New Actors, New Concepts – Continuing Dilemmas: Liber Amicorum Božidar Bakotić. Budislav Vukas and Trpimir Šošić, eds. Pp. 301–317. Leiden: Martinus Nijhoff Publishers.

– (2012a): The Definition of Intangible Cultural Heritage. *In* Cultural Heritage, Cultural Rights, Cultural Diversity. New Developments in International Law. Silvia Borelli and Federico Lenzerini, eds. Pp. 179–200. Leiden: Martinus Nijhoff Publishers.

– (2012b): La definizione di patrimonio culturale intangibile. *In* Patrimonio culturale e creazione di valore – Verso nuovi percorsi. Gaetano M. Golinelli, ed. Pp. 151–186. Padua: Cedam.

– (2012c): La Convenzione per la salvaguardia del patrimonio intangibile. *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 1–27: Milan: Giuffré.

– (2014): Il patrimonio culturale intangibile e le Scuole Grandi veneziane. *In* Il patrimonio culturale immateriale. Venezia e il Veneto come patrimonio europeo. Maria Laura Picchio Forlati, ed. Pp. 110–121. Venice: Edizioni Ca' Foscari Digital Publishing.

Scovazzi, Tullio, Benedetta Ubertazzi, and Lauso Zagato, eds. (2012): Il patrimonio culturale intangibile nelle sue diverse dimensioni. Milan: Giuffré.

Serśić, Maya (1996): Protection of Cultural Heritage in Time of Armed Conflict. Netherland Yearbook of International Law 27: 3–38.

Smith, Laurajane and Natsuko Akagawa, eds. (2009): Intangible Heritage. London: Routledge.

Sola, Angelica (2008): Quelques réflexions à propos de la Convention pour la sauvegarde du patrimoine culturel immaterial. *In* Le patrimoine culturel de l'humanité. James A.R. Nafziger and Tullio Scovazzi, eds. Pp. 487–528. Leiden: Martinus Nijhoff Publishers.

Srinivas, Burra (2008): The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. *In* Le patrimoine culturel de l'humanité. James A.R. Nafziger and Tullio Scovazzi, eds. Pp. 529–557. Leiden: Martinus Nijhoff Publishers.

Stavenhagen, Rodolfo (2009): Making the Declaration Work. *In* Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples. Claire Charters and Rodolfo Stavenhagen, eds. Pp. 353–372. Copenhagen: Iwgia.

Tauli Corpuz, Victoria (2005): Indigenous Peoples and the Millennium Development Goals, Paper UNPFII 2005. www.choike.org/documentos/mdgs_cso_viky.pdf <accessed 01 August, 2014>

Thérond, Daniel (2009): Benefits and Innovations of the Council of Europe Framework Convention. *In* Heritage and beyond. Pp. 9–12. Strasbourg: Council of Europe Publishing.

Tornatore, Jean-Louis (2007): L'inventaire comme oubli de la reconnaissance. À propos de la prise française de la convention pour la sauvegarde du patrimoine culturel immatériel. Communication au séminaire PCI du LAHIC, 19 december, 2007.
http://www.iiac.cnrs.fr/lahic/article308.html <accessed 01 August, 2014>

Ubertazzi, Benedetta (2011a): Ambiente e Convenzione UNESCO sul patrimonio culturale intangibile. Rivista giuridica dell'ambiente 17: 315–323.

– (2011b): Su alcuni aspetti problematici della Convenzione per la salvaguardia del patrimonio culturale intangibile. Rivista di diritto internazionale 94: 777–798.

– (2014): NGOs and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. *In* Il patrimonio culturale immateriale.Venezia e il Veneto come patrimonio europeo. Maria Laura Picchio Forlati, ed. Pp. 97–109. Venice: Edizioni Ca' Foscari Digital Publishing.

Urbinati, Sabrina (2012): Considerazioni sul ruolo di "comunità, gruppi e, in alcuni casi, individui" nell'applicazione della Convenzione UNESCO per la salvaguardia del patrimonio culturale intangibile. *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Tullio, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 51–73Milan: Giuffré.

Zagato, Lauso (2006): Tutela dell'identità e del patrimonio culturale dei popoli indigeni. Sviluppi recenti nel diritto internazionale. *In* La negoziazione delle appartenenze. Maria Luisa Ciminelli, ed. Pp. 35–61. Milan: Franco Angeli.

– (2007): La protezione dei beni culturali in caso di conflitto armato all'alba del Secondo Protocollo 1999. Turin: Giappichelli.

– (2008): La Convenzione sulla protezione del patrimonio culturale intangibile. *In* Le identità culturali nei recenti strumenti UNESCO. Un approccio nuovo alla costruzione della pace? Lauso Zagato, ed. Pp. 23–70. Padua: Cedam.

– (2011a): La problematica costruzione di un'identità culturale europea. Un quadro più favorevole dopo Lisbona? *In* Le culture dell'Europa, l'Europa della cultura. Lauso Zagato and Marilena Vecco, eds. Pp. 250–271. Milan: Franco Angeli.

– (2011b): La protezione dell'identità culturale dei popoli indigeni oggetto di una norma di diritto internazionale generale? Thule (26/27) – (28/29): 165–196.

– (2011c): Cittadini a geometria variabile. In Zagato, Lauso (ed.), Introduzione ai diritti di cittadinanza, 3 ed. Venezia: Cafoscarina, Pp. 219–256.
– (2011d): La 'saga' dell'esposizione del crocifisso nelle aule : simbolo passivo o spia di un (drammatico) mutamento di paradigma? *In* Democrazie e religioni. La sfida degli inocmpatibili? Mario Ruggenini, Roberta Dreon and Sebastiano Galanti Grollo (eds) Pp. 169–193. Roma: Donzelli.

– (2012a): La salvaguardia del patrimonio culturale intangibile: la Convenzione UNESCO del 2003 ed i problemi di applicazione. *In* Los bienes culturales y su aportación al desarrollo sostenible. Carlos Barciela, M. Inmaculada López, and Joaquín Melgarejo, eds. Pp. 149–182. Alicante: Publicaciones Universidad de Alicante.

– (2012b): Rassicurare anche le pietre, ovvero il patrimonio culturale come strumento di riconciliazione? *In* Rassicurazione e memoria per dare un futuro alla pace. Maria Laura Picchio Forlati, ed. Pp. 109–134. Padua: Cedam.

– (2012c): Intangible Cultural Heritage and Human Rights. *In* Il patrimonio culturale intangibile nelle sue diverse dimensioni. Tullio Scovazzi, Benedetta Ubertazzi, and Lauso Zagato, eds. Pp. 29–50. Milan: Giuffré.

– (2013): Heritage Communities: un contributo al tema della verità in una società globale? *In* Verità in una società plurale. Mario Ruggenini, Roberta Dreon, and Gian Luigi Paltrinieri, eds. Pp. 103–125. Milan: Mimesis.

– (2014a): Il Registro delle Best Practices: una «terza» via percorribile per il patrimonio culturale veneziano? *In* Il patrimonio culturale immateriale. Venezia e il Veneto come patrimonio europeo. Maria Laura Picchio Forlati, ed. Pp. 195–216. Venice: Edizioni Ca' Foscari Digital Publishing.

– (2014b): Diversità culturale e protezione/salvaguardia del patrimonio culturale: dialogo (e contaminazione) tra strumenti giuridici. *In* Diritto internazionale e pluralità delle culture. XVIII Convegno Società italiana di diritto internazionale, Napoli, 13-14 giugno 2013. Giuseppe Cataldi and Valentina Grado, eds. Pp. 369–388. Napoli: Editoriale Scientifica.

– (2014c): Beni culturali (patrimonio culturale) e beni comuni. In BB.CC., Beni culturali beni comuni educare alla partecipazione. Regione del Veneto. Pp. 18–28. Rasai di Seren del Grappa (BL): Tipolitografica DBS.

– (2014d): Il contributo dei Treaty Bodies all'interpretazione dei Trattati. In Studi in onore di Laura Picchio Forlati. Bernardo Cortese ed. Pp. 145–159. Torino: Giappichelli.

– (forthcoming a): La Convenzione UNESCO 2003 nel dialogo con le altre Convenzioni internazionali in materia di patrimonio culturale. Il patrimonio culturale come bene comune. Milano.

– (forthcoming b): La cittadinanza europea come spazio politico-culturale. Diritto alla identità-diversità, diritto al patrimonio culturale. *In* Al cuore della cittadinanza europea: i diritti culturali. Lauso Zagato, ed. Venice: Edizioni Ca' Foscari Digital Publishing.

Cultural Values and Community Involvement beyond UNESCO

Self Heritage-Making and Religious Minority in Greece: An Ethnography of Heritage Activities outside of the Cultural Institutions[1]

Cyril Isnart
Institut d'EthnologieEuropéenne, Méditerranéenne et Comparative
UMR 7307 Aix-Marseille Université CNRS

1   Introduction

Rhodes, the main town of the Dodecanese Greek archipelago, is a major Mediterranean tourist destination and a UNESCO World Heritage since 1988. As such, it offers valuable insights into the way in which a religious minority, such as the Roman Catholic community, can interact with the mainly Orthodox context and the UNESCO framing of the place. The local Catholics are situated in an intricate religious and heritage geography that comprises the various monuments of western European states (from the time of the Crusades to the end of the Italian colonial period), the hegemony of the Greek Orthodox Church and the touristification of the territory and the population. The Catholic Church is known as an Archdiocese of the Catholic Church in Greece, with more than 1,000 followers, primarily composed of the descendants of Italian people who married local Greek Orthodox

---

partners during the colonial period,[2] retirees from northern Europe, and Albanian and Filipino workers. The Church's properties comprise three small parishes, five worship places, two cemeteries, one monastery, and several other secondary buildings. There is only one priest who acts as the Vicar General of the Archdiocese, as parish priest and as head of the Franciscan monastery.

In recent years, the local clergy and their closest parishioners have engaged in implementing wide-ranging and profound heritage activities to strengthen the position and collective memory of the local community. They have consciously challenged the island's homogeneous cultural heritage narrative, which is mainly based on the presence of the vestiges of the Crusades, and have proposed their own version of local history. Outside of the official networks of heritage specialists, institutions, and commitments, the Catholic Church has sought to capture the attention of tourists and local people through a series of heritage activities that reinterpret and adapt the "heritage technology" (De Jong and Rowlands 2007) to their own stock of properties.

This text presents an ethnography of the heritage practices of the Catholic community in Rhodes and addresses the presence of their autonomous agency among the island's official cultural heritage institutions. Which version of local history is retained, which one is rejected, and which is adapted? What is the influence of the town's UNESCO World Heritage status on the community? How do the Catholics go about constructing their own cultural heritage? More broadly, can we talk about a self-heritagisation in such processes outside of the official channels of cultural policies? And what about "participation" and "community," when the heritage activities of the group, the leader, and the common actors seem autonomous from the legitimised cultural sector?

2   Where Does the Catholic Heritage Come from?

The Dodecanese archipelago and its administrative capital, Rhodes City, are located to the south-east of Greece mainland. They occupy a marginal position with respect to the national and European territory, lying just 20 km west of Turkey. However, the island enjoys a central position in the Catholic geography, being situated on the historical maritime route linking the Occident to the Holy Land. Rhodes was a key site during the Crusades, when the famous military order of Saint John of Jerusalem was established in the early 14th century. The Franciscans Fathers also settled here in the same period and are today in charge of the Catholic administration of the Dodecanese territory. The Archdiocese is dependant on that of Athens, and the Franciscan mission is related to the Jerusalem-based *Custodia*

---

[2] From 1917 until the end of World War II, the archipelago was administrated by the Italian fascist regime and considered a colonial territory of Italy.

Terrae Sanctae. Due to its affiliation with Athens and Jerusalem, the Rhodian Catholic Church differs from the Catholic institutions in Greece, especially on the islands of Tinos and Syros where Catholics are more numerous.[3]

The particularity of this place is also evident in the multi-confessionalism and its enduring religious heterogeneity. As a military and symbolic base for the Crusades, a host land for the Jews rejected by Spain, an Ottoman territory in the 18th and 19th centuries, an Italian colony in the first half of the 20th century, and part of a Greek archipelago, Rhodes is characterised by a profound survival of the different forms of monotheism. However, Orthodoxy is the official state religion, and followers of other denominations are required to practice their religion discretely.

The city of Rhodes was added to the list of UNESCO World Heritage sites in 1988. Tourism and heritage transformations have contributed to conserving a multi-religious landscape although the Crusades monuments are the most emblematic symbols of Rhodes. Vestiges of Antiquity, medieval Christian buildings, former mosques, and a few monuments of the Jewish and Catholic communities are preserved as symbolic and economic resources. Public heritage administration makes nonetheless a selection among the various religious properties. By valorising antique and medieval religious vestiges as the main form of heritage and marginalising other elements, the religious and heritage topography of Rhodes remains a complex multi-layered construction, responding to the "global hierarchy of values" described by Herzfeld (2004). The classical and medieval monuments have been the central domains of publicly funded heritage conservation for many decades, including during and after the Italian colonisation. During the 20th century, French and Italian architecture preservation offices made huge efforts to save and rebuild the manifestations of the Christian presence.[4] This endeavour was continued by the Greek administration and, as a consequence, this kind of heritage is today the most well preserved and renowned on the island, attracting some one million tourists each year and cited in all the tourist guides published on Rhodes. In parallel, a diaspora association of former Jews from Rhodes manages local Jewish heritage (see Sintès 2010a, 2010b, 2011); there are very few Muslim monuments taken on by the community (Kaurinkoski 2012) and Italian colonial architecture does not form part of the usual guided tours of Rhodes. Jewish, Muslim, and colonial Catholic vestiges are therefore less visible than their medieval counterparts, despite the efforts of the local minority groups.

In particular, when the Italian occupation came to a sudden end following World War II, the symbols of Italian colonisation were erased by the Greek power. Catholic churches were turned into Orthodox ones, and the objects of the cult, such as statues and liturgical instruments, disappeared with the Italian people and religious congregations. Since the 1990s, a wave of Catholics, comprising Italian

---

[3] For more details on the Catholics in Greece, see Frazee 2002 and Seraidari2006, 2010. The situation of the Catholics of Cyprus, whose population, like those of Tinos and Syros in Greece, is locally called Latin, seems to be closer of that of Rhodes (Constantinou 2009).

[4] For the analysis of the Italian archaeological action, see Livadiotti and Rocco 1996.

tourist entrepreneurs, Greek Orthodox and Catholic mixed couples, and local pa-
rishioners or history scholars have renewed the interest in Catholic heritage. A
series of works on Italian occupation memories have been published in Italy and
various scholars have investigated this recent past (Marongiu Buonaiuti 1979;
Doumanis 1997; Pasqualini 2005; Menascé 2005; Peri 2009; Vittorino 2004;
Pignataro 2010). The film *Mediterraneo* (1991) also played a significant role in this
renewal of the Dodecanese history in Italy (Gaetano Ciarcia, personal communica-
tion, July 8, 2011). The priest in charge of the Archdiocese develops the renovation
of the Catholic places and leads a renewal of the rituals to better include the tour-
ists. These actions state the catholicity of Rhodes and contribute to define the
social and religious frontiers of this minority group. Thus, the Catholic heritage
practices fit with the classical understanding of cultural heritage within the social
sciences, that is, as a social construction that serves to manifest, materialise, and
transmit a representation of the group.

   Nevertheless, the methods and scales of the heritage work undertaken by the
Catholics seem quite different from the usual system of cultural heritage imple-
mentation and its interpretations. Unlike other cases of ethnic minorities seeking
recognition, which are usually facilitated by cultural development NGOs or inter-
national bodies, the Catholic heritage work in Rhodes is characterised by the ab-
sence of any ecclesiastical institution dedicated to the definition, display, and con-
servation of the material considered as heritage by the community. During the
Italian period, the Catholic Church in Rhodes was associated with a politically
legitimized set of properties, including the medieval vestiges of the Crusades and
the ancient shrine of Filerimos. Since the end of World War II, the Catholics have
lost their dominant position and have had to learn to become a religious minority.
They now turn their few churches, monuments and places into cultural heritage,
taking into account the current tourism and UNESCO context. How have these
historical developments affected the heritage landscape of Rhodes? What instru-
ments and narratives frame the multi-layered local heritage system? In the follow-
ing, I will show that, beyond the supremacy of the Crusades monuments, the
UNESCO heritagisation process of Rhodes has lead to 1) the cancelation of the
religious nature of the territory and monuments; 2) the creation of some "unherit-
agised" spaces, in which the Catholics, as well as the Jewish community, have been
able to develop their own heritage activities.

3   UNESCO Heritage-Making of the Walled City of Rhodes: "Unheritagised" Spaces and Minorities

The Rhodes' application for UNESCO World Heritage status submitted in 1988
focused on the medieval town built by the European powers involved in the Cru-
sades and the military order of Saint John of Jerusalem (later known as the Order
of Malta). Rhodes was one of the mightiest fortresses in the Mediterranean, sym-

bolising the Occidental presence next to the Holy Land. Following the evaluation provided by ICOMOS, the argument for UNESCO recognition centred on the fact that the fortress was representative of a certain style of architecture: "Rhodes is an outstanding example of an architectural ensemble illustrating the significant period of history in which a military hospital order founded during the Crusades survived in the eastern Mediterranean area in a context characterized by an obsessive fear of siege" (ICOMOS 1987). Furthermore, they emphasized other characteristics: the coexistence of several religions; the remains of various architectural traditions; and the French and Italian efforts to study and reconstruct the island's medieval buildings during the 20th century. However, the diversity and hybridity of Rhodes' architecture and history were not central factors in the inscription, the "gothic" walled city remains, until the present day, the principal object of the application and the international assessment process.

As is the case for many other World Heritage sites, one finds in Rhodes a mechanism called *surclassement* by Daniel Fabre (2010), i.e. a tension between the items chosen to be preserved and the simple mention of the existence of Ottoman, Muslim, Byzantine or local architecture within a Christian and European ensemble. Buildings and sites of the walled city UNESCO perimeter are adorned with panels and boards detailing name, date, and opening hours. These panels are materially identical for any kind of cultural heritage items included in the UNESCO area and give no information on the previous history of the spaces. As Pierre Sintès has argued, "this process of display and heritagisation has led to the 'invisibilisation' of a significant part of the history of these places" (Sintès 2011: 1101). One can observe the same logic at work in the official tourist map of the town. This map is displayed at each entrance of the old town and shows the name and location of 71 "historic buildings," only ten of which are relics stemming from the Ottoman, Jewish, or Antiquity cultures. The buildings and monuments are colour-coded according to the political chronology of Rhodes rather than the range of denominations practiced in the town. The heritagisation of the walled city of Rhodes thus tends not only to cancel the local history, but also to obscure the religious qualities of the heritage monuments, or at least to blur the multi-confessional character of the island.

Despite this general obfuscation of Rhodes' religious diversity, the Catholics seem to take advantage of this local heritage configuration. They organise the restoration of their buildings, in which they can receive about 300 tourists during summer masses, and publish a significant number of documents for their visitors. However there is no direct involvement of the Catholics in the UNESCO's heritagisation of the city, the "heritage-scape" of Rhodes (DiGiovine 2008) creates in fact suitable conditions for the constitution of an alternative and parallel Catholic heritage space. Both the presence of numerous Catholic tourists and UNESCO's narrow focus on the medieval walled city have generated a congregation ready to fill the Catholic churches in summer and created empty and "unheritagised" spaces in which the local minority has been able to invest and develop its own heritage

and identity constructions.[5] Little attention has been paid to this phenomenon by scholars: Studies of heritage-making in World Heritage sites usually analyse how the rules of the international convention are implemented in a given context and do not address their "collateral effects" on the local subgroups and minorities. In Rhodes, the heritagisation of the walled city has consolidated an institutionalized narrative of the medieval space and time – what one might call a local authorised discourse of heritage (Smith 2006) – yet the Catholics have succeeded in undertaking their own heritage conservation actions in the immediate vicinity of the UNESCO site. What exactly does this alternative heritage planning involve? How is it different form UNESCO's universal guidelines and devices? And how are the Catholic heritage conservation efforts legitimized?

4   The Heritagisation of the Catholic Past: Values and Actions

The current network of Catholic worship places are mainly located in the modern colonial city of Rhodes and includes only 25 per cent of the buildings used by the Archdiocese during the colonial period, most of which have been given to the Greek Orthodox Church. The Catholics have a sense of having been robbed of part of what they had accumulated and have a profound knowledge of their ancient properties. They do not express this sentiment in a vindictive way. The Vicar general and his closest allies disseminate a nostalgic heritage discourse through a series of actions intended to preserve their current properties and to recall the memory of their lost heritage. Most of the current Catholic population has only a very recent link to Rhodes, being part of the contemporary influx of international visitors who have chosen Rhodes as a secondary residence.

However, the way they speak and think about the Catholic buildings and the past of the community are symptomatic of their attachment to the island and its heritage. It is not uncommon to hear a Catholic living in Rhodes, speaking about "our cemetery" or "our former sanctuary in Filermos," Even if he never received key life sacraments or does not keep the grave of his family in the Dodecanese. As a lay member of the parish choir once told me (June 5, 2011): "The Cathedral and the headquarters of the Orthodox Church were ours before the war." In the same way, the priest – an English man educated in Jerusalem - often underlines that it has been hard work "to find the last ritual objects of the Italian Churches," and that "many of our objects disappeared at the end of the colonial period" (September 26, 2010). This discourse of appropriation of the places and objects of the past contributes to the construction of the Catholic feature of the lost properties, as well as that of the churches remaining in the community's hands. While UNESCO

---

[5] Pires (2010) has shown how a town square – an empty space par excellence – in Malacca (Malaysia) became an object of competition between local consumers (who wanted to keep the site as it was) and tourism managers (who wanted to transform the square into a vivid, colorful, and multifunctional tourist place).

is concerned solely with the architectural qualities of the walled medieval city, the Catholics place emphasis on their former churches and give them a religious connotation in priority.

The strategy of qualifying their heritage as a religious one is evident in all their heritage actions towards the properties they have in hand today. Indeed, the fact that their former churches, like the Cathedral or the sanctuary of Filerimos, are still visible in the landscape, but transformed following the Orthodox architectural canons, likely reinforces the feeling of loss and galvanises their need to underline the confessional origin of these properties. Nonetheless, the various heritage-making activities undertaken by Rhodes' Catholics present a different degree of religious claim and can be listed according to the types of objects they choose and the kind of heritage "technology" they use.

The first activity is, obviously, the *restoration of the buildings and private spaces*, including the monastery and the cemeteries of the Archdiocese. Since the completion of the restoration work, the painting, the roofs and all the exterior spaces are as new and as clean as the interior of the churches. For instance, the care of the Rhodes town cemetery, which includes a main chapel, many funeral monuments large enough to accommodate a family mass, and various lawns and gardens, is a key activity of the parish team. Any renovated building belonging to the Catholic Church is marked by a marble plaque featuring the name of the shrine in Latin and Modern Greek (and sometimes in English), as well as being mentioned on the Archdiocese website, accompanied by a series of photographs. Plaques and web presentations tend to create an ensemble of historical places, claimed as Catholic. They function as a religious appropriation technique of the "unheritagised" modern city centre, built during the Italian period next to the walled city and create an alternative heritage space to the UNESCO site.

The second activity undertaken by Rhodes' Catholic heritage makers consists in the *collection of liturgical objects and books* from the Italian Catholic churches and institutions. Some of these items have been found in the places of worship themselves; some were kept by Catholics in their homes, while others were sold in local antiquaries shops. Each of the hundred or so pieces and various fragments of different institutional libraries are displayed on bookshelves in a room of the monastery library, without any apparent organization and without any information on their origins, names, or functions. In the memory of the priest, the objects are nonetheless linked to their churches of origin, constituting a mental map of former Catholic places in the Dodecanese.

Unlike the naming and labelling of the buildings, the collection of objects and books seems to be a part of a more intimate heritage and memory space of the community, not only because these items are displayed without any information, but also because few tourists are permitted to enter the monastery's room where they are kept. Thus, liturgical objects and ecclesiastical books form a specific set of religious artefacts, whose audience seems to be different from that of the religious constructions embedded in the public space of the city. There is a resemblance

here to the amateur collections of pottery and porcelain described by Thierry Bonnot (2002), which are not systematically inventoried but nonetheless reflect an extensive knowledge of a specific material culture.

In contrast to the objects and book collections, the *historical archives* received a specific, complex and professional treatment and are used as religious administration as well as historical and memory resources. The archives contain church books (registers of births, marriages, and deaths) from the former parishes and of some chronicles of the monastery. All the documents were classified according to the Vatican directives on historical archives, which was the responsibility of the voluntary archivist of the community, a now retired Italian women who married a Greek partner during colonial times. Many of the Italian people who previously lived in the Italian Dodecanese can ask for official records as proof their life events.[6] Moreover, the monastery's and parishes' archives have played a central role in the appropriation and recognition of Italian Catholic history and memory at the community level. As I have already mentioned, most of the Catholics currently residing in Rhodes are not native to the island, and the archives have thus enabled them to learn something about the cultural heritage of their new home. The investigations undertaken since the early 2000s by the archivist of the community (Conte Jennakis 2007) were crucial to this appropriation of the past. In 2013, after more than ten years of work, she finally published a book in Italian presenting an inventory of the former churches, entitled "Le Chiese Che Furono...Nelle Isole Italiane dell'Egeo (Dodecaneso Italiano)" ("The Churches that were…in the Italian islands of the Aegean (Italian Dodecanese)"). In a similar vein, in 2010 the parish priest wrote a short hagiographic booklet in Modern Greek on Saint Anthony of Padua in order to present and promote the singular position of the saint in the local religious landscape. For, being a Catholic saint, Anthony of Padua is also honoured by Orthodox followers who participate in the weekly devotion and collect blessed bread for their family.[7] Thus, the management and care of the historical archives combines preservation of the memory of the community, confessional assertion and an administrative public service. The production and use of the historical archives of the Rhodes Catholic community generate a need to be interpreted not only as heritage phenomenon, but also as religious manifestations of identity.

Short descriptive leaflets are the last category of heritage tools produced by the Catholics. These free documents are often placed at the entrance of the current Catholic churches and describe a single and little item of the Catholic local culture. They are formed of a series of folded, colour-printed pages, which describe, in Modern Greek, English, Italian, and Polish, items such as the festival of Saint Anthony, the Nativity scene of the Franciscan monastery, or the organ of the Saint

---

[6] During the Italian colonial period, the Catholic Church was the only institution authorised to deliver this kind of documents.

[7] The shared devotion to Saint Anthony of Padua is in fact a common tradition in the Mediterranean (Albera and Fliche 2012).

Francis Church (the largest Catholic church in the archipelago). It should be noted that the pamphlets deal with the intimate scale of the denomination's culture, for they often remain indoors, as the archives and books collections. Such items are not as visible as the renovated churches, with their marble plaques and newly painted facades, they need to be publicised and promoted with specific media. They are also important marks of differentiation between Catholics and Orthodox. Saint Anthony is a Catholic Franciscan holy figure, and even though Orthodox Christians pray to him, he remains a Catholic saint outside of the Greek Orthodox pantheon. Saint Francis, the founder of the Franciscans, who had a special devotion to the Infant Jesus is said to be the inventor of the Nativity scene tradition. The Rhodes' one is a large three-dimensional model of Jesus' birth, exhibited during the Christmas season, with little statues in a realistic Mediterranean landscape. By contrast, Greek Orthodox Christians only venerate two-dimensional icons of the Nativity. Finally, the pamphlet on the organ also highlights the important musical difference between the two confessions: The Orthodox liturgy is accompanied by choir singing and a large part of the text is a psalmody by the pope and the followers, while in the Catholic tradition instrumental music, and especially the organ, is the standard complement to the mass.

The wide range of mediation actions implemented by the Catholics of Rhodes reflects the diverse forms and functions of their heritage. These various transmissions tools are adapted to certain audiences, i.e. tourists, local Catholics, Italian colonial people, Greek locals, and to the very characteristics of the cultural elements the Catholics want to communicate about, i.e. archives, architecture, books and liturgical objects. As the Catholics exist in both a UNESCO and an interconfessionnal context, one could postulate that their heritage activities have the function of differentiating themselves (as a minority) from the local UNESCO landscape, from which they are excluded, but also from the dominant Orthodox denomination. The last point, which incorporates the religious identity dimension, may explain why the heritagisation of the Catholic past and present has not gone hand in hand with a commodification of this minority's culture. Many other analyses of heritage-making have underlined and deconstructed the economic side of such processes (Greenwood 1989), which is one of the most common subjects of criticism levelled at both tourism and heritage development. The case of the Catholics of Rhodes represents a singular configuration in which heritage is not only turned into an economic resource. Rather, it deals with the local system of religious coexistence and the will for transmission, including the search for individual conversions to Catholicism.[8]

---

[8] This does not mean that money is not an issue for the community; acquiring funding for cultural heritage or charity purposes is an ongoing task for the clergy and some of the parishioners, since heritagisation does not directly create income.

5   Heritagisation, Religion, and Cultures of a Collective Self

Catholic heritage-making in Rhodes is motivated more by moral and religious ends than by an interest in economic benefit. At both a local and global level, utilisation of cultural properties is said to be a redemptive way of creating market value and ensuring local development. This is partly true for Rhodes, where tourism has led to a tremendous development of the island. Yet as the example of Rhodes' Catholics makes apparent, minority heritage processes do not necessarily match this money driven schema. The Catholics rather want to attract the tourists, to have a better representation in the local religious landscape and to convert new followers. So they fashion and provide alternative heritage discourses and devices in order to survive as a local minority, outside of the official channels of cultural policies. In this sense, the moral issues of "community" construction are central in their agenda, and they try to build a unified religious ensemble, with its past, its artefacts, and its specificities. Moreover, as Bennet (2009) has pointed out, despite the establishment of departments specialized in archives and cultural goods within the Vatican, few studies have analysed the development of religious heritage and cultural policies or dealt clearly with religious control of heritage. Such a reading of heritage-making should open new paths in the critical analysis of the religious use of heritage and will challenge the common understanding of the functions of heritage. The Catholics do not "collaborate" with cultural heritage managers in the same way as an ethnic minority group in Canada or Brazil might, by working closely with a museum or an NGO to defend their cultural and political rights. It is for this reason I take "self-heritage" to be an appropriate term with which to describe the Catholic heritage process in Rhodes.

Many authors have stressed the increasing occurrence of such heritagisation models in Europe. In recent years, the French anthropologists Thierry Bonnot (2002), Michel Rautenberg (2003), Jean-Louis Tornatore (2010), and Nicolas Adell (2012) have proposed to take into account collection, transmission, and care practices engaged in by cultural associations, proletarian activists, pottery amateurs, or brotherhoods of artisans and to include them within the general category of cultural heritage activities. Cultural heritage management and recognition of ethnic minorities have also attracted growing attention from social scientists in the USA, the United Kingdom, and Australia, where the terms "indigenous curation" (Kreps 2005) "non-official" heritage claims (Harisson 2013), "autonomous archives" (Moore and Pell 2010), or "public folklore" (Baron 2010) have been better able to capture locals' and group members' participation in heritage-making performances and practices. If collaborations with administrative heritage services are not exceptional, the minority groups taking on their past have demonstrated a desire of independence and autonomy. They have forced anthropologists to rethink what heritage-making is outside of the classical state, national, and elitist framework of cultural heritage - who are the main actors in such processes - and what motivates these small groups.

Additionally, if the majority of the literature on cultural heritage converges on its role in the construction of collective identity among particular ethnic, religious, or political groups, the Catholic use of cultural policy can also be interpreted as a mode of belief and a means to live one's faith. Moving from cultural heritage to religious care of the past allows us to integrate heritage actions into the repertoire of religious activities. This renewal of the analysis from a more open, present-day and grassroots standpoint offers alternative perspectives on both contemporary religious practices and cultural heritage claims.

References

Adell, Nicolas (2012): The French Journeymen Tradition: Convergence between French Heritage Traditions and UNESCO's 2003 Convention. *In* Heritage Regimes and the State. Regina Bendix, Aditya Eggert, and Arnika Peselmann, eds. Pp. 177–193. Göttingen: Universitätsverlag Göttingen.

Albera, Dionigi, and Benoit Fliche (2012): Muslim Devotional Practices in Christian Shrines: The Case of Istanbul. *In* Sharing Sacred Spaces in the Mediterranean: Christians, Muslims, and Jews at Shrines and Sanctuaries. Albera Dionigi and Maria Couroucli, eds. Pp. 94–117. Bloomington: Indiana University Press.

Baron, Robert (2010): Sins of Objectification? Agency, Mediation, and Community Cultural Self-Determination in Public Folklore and Cultural Tourism Programming. Journal of American Folklore 122(487): 63–91.

Bennet, Oliver (2009): On Religion and Cultural Policy. Notes on the Roman Catholic Church. International Journal of Cultural Policy 15(2): 155–170.

Bonnot, Thierry (2002): La vie des objets. Paris: Éditions de la MSH et Mission du Patrimoine ethnologique, collection Ethnologie de la France.

Constantinou, Costas M. (2009): Cyprus, Minority Politics and Surplus Ethnicity. *In* The Minorities of Cyprus. Varnava Andrekos, Nicholas Koureas, and Marina Elia, eds. Pp. 361–372. Cambridge: Cambridge Scholars Publishing. http://works.bepress.com/costas_constantinou/23 <accessed June 15, 2011>

Conte Jannikis, Lucia (2007): L'archivio di Santa Maria della Vittoria in Rodi. La Stella di Rodi: 11–15.

– (2013): Le Chiese Che Furono… Nelle Isole Italiane dell'Egeo (Dodecaneso Italiano). Rhodes: Texni.

De Jong, Ferdinand and Michael Rowlands, eds. (2007): Reclaiming Heritage. Alternative Imaginaries of Memory in West Africa. Walnut Creek: Left Coast Press.

Di Giovine, Michael (2008): Heritage-Scape. UNESCO, World Heritage, and Tourism. Lanham: Rowman and Littlefied Publishers.

Doumanis, Nicholas (1997): Myth and Memory in the Mediterranean: Remembering Fascism's Empire. New York: St. Martin's Press.

Fabre, Daniel (2010): Habiter les monuments. *In* Les monuments sont habités. Daniel Fabre and Anna Iuso, eds. Pp. 17–51. Paris: Éditions de la Maison des Sciences de l'Homme.

Frazee, Charles (2002): Catholics. *In* Minorities in Greece. Aspects of a Plural Society. Clogg Richard, ed. Pp 24–47. London: C. Hurst & Co. Publishers.

Greenwood, David (1989): Culture by the Pound: An Anthropological Perspective on Tourism as Cultural Commoditization. *In* Hosts and Guests. The Anthropology of Tourism. Smith Valene, ed. Pp. 171–186. Philadelphia: University of Pennsylvania Press.

Harrison, Rodney (2013): Heritage: Critical Approaches. New York: Routledge.

Herzfeld, Michael (2004): The Body Impolitic. Artisans and Artifice in the Global Hierarchy of Value. Chicago: University of Chicago Press.

ICOMOS (1987): Advisory Body Evaluation. http://whc.unesco.org/archive/advisory_body_evaluation/493.pdf <accessed October 24, 2011>

Kaurinkoski, Kira (2012): The Muslim community in Kos and Rhodes: Reflections on social organisation, migration and identities. *In* Balkan Encounters: Old and New Identities in South-Eastern Europe. Lindstedt Jouko and Max Wahlström, eds. Pp 47–78. Helsinki: University of Helsinki.

Kreps, Christina (2005): Indigenous Curation as Intangible Cultural Heritage: Thoughts on the Relevance of the 2003 UNESCO Convention. Theorizing cultural Heritage 1(2), Smithsonian Center for Folklife and Cultural Heritage. http://www.folklife.si.edu/resources/center/cultural_policy/pdf/ChristinaKr epsfellow.pdf<accessed March 8, 2009>

Livadiotti, Monica, and Giorgio Rocco (1996): La presenza italiana nel Dodecaneso tra il 1912 e il 1948. La ricerca archeologica, la conservazione, le scelte progettuali. Catania: Edizioni Del Prisma.

MarongiuBuonaiuti, Cesare (1979): La politica religiosa del fascismo nel Dodecanneso. Napoli: Giannini.

Menascé, Esther Fintz (2005): Buio nell'isola del sole. Rodi 1943-1945. I due volti di una tragedia quasi dimenticata. Il martirio dell'ammiraglio Campioni e dei militari italiani in Egeo e lo sterminio degli ebrei di Rodi e Coo. Firenze: La Giuntina.

Moore, Shaunna, and Susan Pell (2010): Autonomous Archives. International Journal of Heritage Studies 16(4): 255–268.

Pasqualini, Maria Gabriella (2005): L'esercito italiano nel Dodecaneso, 1912-1943. Speranze e realtà. I documenti dell'Ufficiostorico dello Statomaggiore dell'esercito. Roma: Ufficiostorico SME.

Peri, Massimo, ed. (2009): La politica culturale del fascismo nel Dodecaneso. Atti del Convegno, Padova, 16-17 novembre 2007.Padova: Esedra.

Pignataro, Luca (2010): Il Dodecaneso italiano 1912-1947. Forme istituzionali e pratiche di governo. PhD dissertation. Teremo: Università degli studi di Teramo.

Pires, Ema (2010): Reading Emptiness: On Tourism, Appropriation and Contested Spaces. Intergraph Journal of Dialogic Anthropology 3(1). http://intergraph-journal.net/enhanced/vol3issue1/3.html <accessed January 17, 2014>

Rautenberg, Michel (2003): La rupture patrimoniale. Grenoble: A la croisée.

Seraidari, Katerina (2006): Grecs orthodoxes et Grecs catholiques, ou comment définir son identité par la religion. Mésogeios. Méditerranée, histoire, peuples, langues, cultures 28:67–92.

– (2010) Compétition entre Orthodoxes et Catholiques et production du sacré dans une île grecque. Ethnologie Française 40(1): 151–160.

Sintès, Pierre (2010a): Retrouver Rhodes. Teoros 1: 37–45.

– (2010b): Mi akodro de Rhodes: Paroles d'une communauté juive de la mer Egée entre mémoire et actualité. *In* Les échelles de la mémoire en Mediterranée. Études Méditerranéennes. Crivello Maryline, ed. Pp. 75–107. Arles: Acte Sud/MMSH.

– (2011): A qui Rhodes? Discours d'appropriation et de mise en valeur touristique dans la vieille ville de Rhodes. *In* World Heritage and Tourism: Managing for the Global and the Local. Laurent Bourdeauand Sonia Chassé, eds. Pp. 1096–1108. Montréal: Presses de l'Université de Laval.

Smith, Laurajane (2006): Uses of Heritage. London and New York: Routledge.

Tornatore, Jean-Louis (2010): La reconnaissance pour mémoire. Un parcours dans l'espace de la mémoire de la Lorraine sidérurgique. *In* L'invention de la Lorraine industrielle. Politiques de mémoire, quêtes de reconnaissance. Jean-Louis Tornatore, ed. Pp. 161–191. Paris: Riveneuve éditions.

Vittorino, Ettore (2004): Isole dimenticate. Il Dodecaneso da Giolitti al massacro del 1943. Firenze: Le lettere.

The Place-Making of Communities in Urban Spaces: The Invention of the *Village Saint-Louis Sainte-Marthe*

Monika Salzbrunn
University of Lausanne

1   Introduction

Heritage regimes are connected through different levels of political decision-making processes. Top-down and bottom-up movements influence each other within a local and global field of power. This chapter presents an empirical example that addresses the mutually constituting dynamics between migration and the restructuring and marketing of the global city of Paris. I focus on festive events as platforms for the negotiation of the inclusion and exclusion of newcomers and the transformation processes experienced by both the migrants and the city as a result of migration.[1] I use political and cultural events in a north-eastern district of Paris as the entry points to understand the different pathways of migrant urban incorporation. A place-based community has emerged through a collective struggle for recognition of material and immaterial heritage (*patrimoine*), when the whole district was threatened by local politicians who had planned its destruction. This chapter does not take pre-defined ethnic or religious groups as the units of analysis; there is no assumption that people who share a religious or national origin settle as a

---

community. The place-based community emerged only when the place of residence was threatened. The new consciousness of the common political will to save the district has lead to the invention of the *Village Saint-Louis Sainte-Marthe* as I will show below. By linking studies of events in translocal social spaces to an analysis of subjective rescaling processes, this chapter draws attention to the innovative methodological instruments of action theory.

The present case continues my interest in festive events as political arenas where inclusion/exclusion and transformation processes are negotiated. In the Parisian district of *Sainte Marthe*, local political struggles are concentrated within festive situations. Through the invention of festive events members of a neighborhood are able to resist urban restructuring projects: Their collective actions produce a new, geographically defined "we-group," which includes people from various and diverse economic and cultural backgrounds (Salzbrunn 2007a, 2007b). This research is based on ongoing participant observation in the district since 1999: more than 140 observed festive and political events; thirty interviews with the presidents and several members of the different associations; and interviews with the local politicians, shop and restaurant owners, and other inhabitants of the district. I demonstrate how through participation in political and cultural events in a city, migrants become actors in both the restructuring and rescaling of the place. It is by taking into account the larger project of restructuring Paris within a globally competitive tourist market (influenced by material and immaterial heritage politics) that we can understand the different pathways of migrant urban incorporation in a specific gentrifying Parisian neighborhood.

Focusing on a global city like Paris allows me to address the following questions. What are the differences in the rescaling processes experienced by cities and neighborhoods in these cities? How do the migrants themselves recognize their place in the city vis-à-vis their fellow city dwellers? How do they work out their ties to the city with the other neighborhood dwellers? How do rescaling processes effect the representation of locality and identity in each city? How does the historicity of the neighborhood (the places) shape the ways in which the migrants are being incorporated into the diverse neighborhoods of the urban? Through these research questions I move the study of migrants, global cities, and transnationalism beyond discussions of cultural diversity, cosmopolitanism, and migrants' role in the labor economy (Jouve and Gagnon 2006; Kofman 2005; Lacroix, Sall, and Salzbrunn 2008). In contrast I offer a comparative perspective on migrants as active agents in community-building and the restructuring of locality.

2   "Localizing" Transnational Networks

The field of migration studies has extensively dealt with networks, transnational spaces, and migration fields since the beginning of the 1990s (Glick Schiller, Basch, and Blanc Szanton 1992). More recently, researchers concerned with transnational

migration have once again expressed a concern with "the local." However, contained within a shared interest in transnational process and apparently a similar focus on place and space are different perspectives that are worth distinguishing. In addition, by positing a transnational space bounded by a shared national origin or ethnicity, many of the studies have actually reinforced the notion of the naturalness of nation-based identities, reinvigorating methodological nationalism but in a new form (for a critique see Anghel, Gerharz, Rescher, and Salzbrunn 2008; Glick Schiller, Çaglar, and Guldbrandsen 2006; Glick Schiller and Wimmer 2002).

Nina Glick Schiller and Ayse Çaglar (Glick Schiller, Çaglar, and Guldbrandsen 2006) also speak of the local – not to indicate a general sense of multiple rootedness but to call for a specific investigation of the forces that shape specific places. They are concerned with the localities from which migrants and their descendants leave, in which they settle, and to which they are connected by social fields, which often extend across the borders of nation-states. Glick Schiller (2005) defines a transnational social field as a specific set of networks of ego-centered social relations that are linked to institutions situated within specific places. These fields contain social relations of unequal power constituted by differential access to forms of capital, military force, and means of discursive representation. Building on this approach, Glick Schiller and Çaglar (2011) offer a theorization of locality that brings together a transnational perspective on social relations and the scholarship on the neoliberal rescaling of local urban space. In addition, a common effort in place-making can be observed as a strategy of resistance against the destruction of the material and immaterial culture of the place.

3 Translocal Social Spaces: The Importance of Local Living Conditions in the Process of Place-Making

In this chapter, I explore the ways in which migrants adapt their strategies of settlement and community-building to changing opportunity structures that are available in the specific place of settlement and are a product of the insertion of neighborhoods and cities within larger restructuring processes (Furlong, Biggart, and Cartmel 1996). Understanding the local power relations, the processes and discourses of political lobbying, and the concrete conditions of access to housing, property, business, residence permits, etc. is crucial in the implanting of the network within different localities. A common strategy developed by the inhabitants is to maintain their district as a whole, with its buildings and inhabitants – which also means to limit gentrification processes.

If we put aside the use of national states as the "natural" unit of analysis in global contexts and turn from space as a metaphor to an examination of migrants in relationship to specific localities, then we need a new methodological approach. I propose a methodology of actor networks within festive events that facilitates the study of new, inclusive groups within an urban environment. Such groupings may

contribute to and be facilitated by transnational social fields. To develop this methodology, I bring together elements of network analysis and event analysis while paying attention to the positioning and restructuring of locality. Once we trace migrants beyond their ethnic connections to other networks present in the locality, we are able to see how networks enable migrants to become rooted in an urban context. The political, social, and economic context determines the evolution of the networks linked to a specific locality. It is particularly useful to trace members of these networks as they negotiate their participation in festive events.

Action theorists have noted that festive events are arenas for local negotiations through which migrants are either included or excluded by institutions and local actors who create, reinforce, change, or block the production of communal feelings; the study of such events makes transformation processes visible. This methodological choice avoids taking a particular ethnic, religious or sociocultural category as an entry point for the study of processes of communitarization. By communitarization, I mean the Weberian approach to group-building processes, *Vergemeinschaftungsprozesse* (Weber 1921: 29). I emphasize here the dynamic character of a group and the emergence of alliances that do not follow ethnic- or religious-based logics.

Focusing the interactive creation of space (Grathoff 1994: 52) and the production of the imagined other on the stage that urban festive events provide, I observe group-building processes within the social and geographic space of a neighborhood (Brubaker 2004; Glick Schiller, Çaglar, and Guldbrandsen 2006). Hence I suggest a definition of translocal social spaces as those that result from new forms of delimitation that consist of but also reach beyond geographic or national boundaries. These spaces become the new sources of identification and action within specific local and global reference systems.

However, this does not imply a local determinist position that denies agency to the migrants. It is the migrants who also shape the conditions of the local. They contribute to the upgrading of certain cities and certain urban districts and zones. An entanglement of various subjective and objective rescaling processes is taking place. Rescaling has led to the reorganization of the relationship between localities, regions, nation-states, and global institutions. Rescaling is the outcome of neoliberal restructuring practices, especially rearrangements of governance, which position cities directly as global competitors (Glick Schiller and Çaglar 2011; Salzbrunn 2011).

The term scale can be defined as the summary assessment of the differential positioning of cities determined by the flow and control of capital and structures of power as they are constituted within regions, states and the globe (Glick Schiller and Çaglar 2011).

By focusing on festive events in global cities, I demonstrate that various actors who have differential access to power contribute to rescaling processes. Paris, while marketed as quintessentially French, is not representative of France. Nonetheless, the subjective process of repositioning cities, states and regions is multi-

layered and influenced by objective rescaling processes. The different ways Paris tries to maintain its positioning as a global city has an impact on ongoing (local) rescaling processes.

4 Case Study: Urban Belonging in Paris

In my case study, I move from examining migration through an ethnic or religious lens and concentrate on the insertion of migrants from multiple backgrounds within a particular neighborhood in the throes of gentrification processes. These processes were intensified by efforts of the city leadership to increase its competitiveness within the global tourist market. I examine an event as entry point into the local dynamics of the Parisian district of *Sainte Marthe* in order to show how groups emerge or evolve in a migratory context (Çaglar 1997; Salzbrunn 2002, 2008). In 2001 the global competition among cities contributed to the electoral victory of a Socialist mayor, Bertrand Delanoë, and his allies from the Green Party in Paris. This victory was the culmination of pressures to recognize, celebrate, and market the diversity of the city. Efforts to highlight Parisian diversity had begun in 1995, with leftist parties' victory in municipal elections in the multiethnic neighborhoods. In addition, a global marketing trend that highlighted cultural and geographical diversity, as seen in several carnivals initiated in European cities such as Berlin and London (Knecht and Soysal 2005), stimulated efforts to market Paris as a capital of international recreation. The introduction of arts and crafts villages (such as a street of fashion in *Barbès*) and several festive events supported by the city of Paris – such as the Chinese New Year in 2007 – were all products of this commitment to highlight diverse cultures (Raulin 2004) in order to reposition the city within the global tourist industry. Nowadays, tourist guides and official agendas like *L'officiel des spectacles* recommend the *Quartier hindou*, *Quartier juif* and two of the *Quartiers chinois* (one of these is close to *Sainte Marthe*).

Sainte Marthe is named after one of the two parallel streets in the district. Many of the current buildings in the area were built in the 1860s in a former Parisian suburb (*Faubourg*) by the *Comte de Madre*, an entrepreneur whose utopian ideas led to the invention of a new architecture for workers' homes, known today as *le style Madre*. These tiny two- and four-story houses were constructed with cheap material and no foundation. A workshop or boutique was installed on the ground floor, while on the upper floors the workers' living quarters consisted of one- or two-room apartments without sanitation. The building complex still has the form of an H on the map: Two parallel streets were joined in the middle by a small perpendicular street. These were closed by gates because at the end of the nineteenth century the whole district was private property.

By the 1980s the buildings were in danger of collapsing because of their poor quality, and at the beginning of 1991 the mayor wanted to destroy the whole quarter in order to construct huge buildings like the ones located north and east of

Sainte Marthe. The inhabitants, afraid of being expelled, developed a variety of resistance strategies. The association, *Village Saint-Louis Sainte-Marthe*, organized banquets and festivals through an extensive public relations campaign in order to win public and political support. The association's name alluded to a territorial identity within a big city. In the festivals and activities organized by the association, the architectural and aesthetic value of the houses and the cultural richness of the inhabitants were emphasized. The history of the place and the inhabitants' struggle against their common enemy of right-wing politicians and real estate speculators strengthened a sense of belonging to this particular neighborhood.

In 1994 the notion of rehabilitation figured for the first time in the new urban projects in Paris. During the municipal election campaign in 1995, the local left-wing agenda focused on opposition to real estate speculation (which would have lead to destruction of the neighborhood) and support for restoration of this quarter. Thanks to mobilizations against the destruction of the neighborhood complexes in 1995, the Left won district elections. Subsequently, in 2001, the whole city of Paris was conquered by the Left for the first time. However, it was not until 2003 that the restoration project of the quarter was approved and the home owners were offered financial support.

A central point of interest in *Sainte Marthe* is the celebration of cultural diversity by the inhabitants themselves, but also, once their struggle had become more and more visible, by the new left-wing Mayor. Today the population includes working migrants from North Africa and the former Yugoslavia who arrived in the 1960s, artists and musicians who have occupied the deserted ateliers of the artisans, and a middle-class population attracted by the diversity and village like ambience of the place. Since the 1990s festive events have been organized on *Sainte Marthe* Square in which participants display their cultural background through on-stage performances next to amateur or professional music groups, belly dancers or clowns. The latter are engaged in order to entertain the numerous children present during the events.

The events are organized by *Les quatre horizons* (*Four Horizons*), an association created in 1997 as a consequence of an inner conflict within the previous (still existing) association *Village Saint-Louis Sainte-Marthe.* The name *Village* had already been part of the strategy to create a common territory-based identity. *Saint-Louis* refers to the hospital of the same name founded in 1607. Until the 19th century, this was the only building in this area. Today it is situated right next to the street *Sainte-Marthe*, the second part of the first association's name. This association had focused its struggle on the conservation of the architecture. The founder and president of the second association, *Les quatre horizons*, Kheira, is a French woman of Algerian origin who has sought to provide activities to the inhabitants (especially the youth) of the quarter, create links between different people from different horizons and backgrounds, and establish a meeting venue for the Algerian women who suffer from isolation. She works as a house-keeper in the district and serves as a mediator between people searching for housing and for sites for shops, and she

is known as an informal real estate agent. Because of her involvement in real estate transactions in the district, she has been criticized by several inhabitants, even though she is engaged in saving the neighborhood from destruction. *Four Horizons* organizes cultural events such as outdoor balls, as well as public couscous banquets and carnivals, which have made *Sainte Marthe* more and more popular in the eyes of tourists, potential investors in real estate, and local political representatives. The organization of festive events also has played a central role in shaping the inhabitants' identification with the quarter.

The association receives public funding from the State Secretary of Urban Affairs for its social work and from the district mayor for participating in the organization of the annual multi-sited nationwide *Fête de la Musique* on the square *Sainte Marthe*. It also gets money from members fees (thirty to forty members) and from the banquets and food sold during the festivals. In the course of building and conducting these events, the association interacts with various key persons in the district: the mayor and elected deputies and the presidents of other associations (especially the association for local history). Others, such as local artists and craftswomen, participate in and benefit from these festive events.

In 2001 the small picturesque central square at the upper end of *Sainte Marthe* Street, which had been abandoned by the inhabitants because of the petty crime that occurred there, was symbolically inaugurated as one of the representative streets of Paris and was officially named *Place Sainte Marthe*. The act of putting plates with that name on different house facades of the square was a kind of political victory for the mobilized residents of the neighborhood. During the *Fête de la Rentrée* in 2005 (celebrating the end of school vacation), the organizers interviewed the local inhabitants in order to collect their impressions. All those interviewed seemed to be appreciative of the solidarity between the neighbors and of the beautiful and rare architecture of the district. Those interviewed testified to the strong sense of belonging experienced by the inhabitants of the neighborhood. The presentation of this audio self-portrait during a festive event was itself instrumental in shaping a place-based identification among the residents of *Sainte Marthe*.

In this quarter, feasts called "carnivals" have been celebrated in three different forms. One is a summer carnival organized by a theater company and supported by the city. Local artists from the *Rue Sainte Marthe* and the president of *Four Horizons* have enlivened this event by helping the children create masks and costumes. Second, beginning in 2003, several inhabitants of the quarter participated in a new type of summer carnival inspired by the London *Notting Hill* carnival. They named it *Barbès Tour* in reference to a popular quarter in the northern Paris (*Barbès*) where migrants from sub-Saharan Africa and North Africa have settled. The year 2003 was declared the official year of Algeria in France; the president of *Four Horizons* and its other members acknowledged this in the festival by wearing Berber costumes in front of a banner with "Algeria my love" written in Arabic. In 2004 the *Barbès Tour* took place in *Barbès* and *Sainte Marthe*, where a concert with different musical styles was given.

The third type of carnival is one based on the Roman Catholic calendar. Every year, on *Mardi Gras*, one day before Ash Wednesday, the *Four Horizons* had offered crêpes to the children of *Sainte Marthe* and prepared a Moroccan dish (*tajine*) in a local restaurant run by an association, *La Rôtisserie* (that was closed on October 8th 2012). There is also reference to a Catholic feast day (*la Chandeleur*), which has become only a pretext for consuming crêpes together. Similarly, in 2004 *Four Horizons* celebrated both Halloween and the beginning of Ramadan at a restaurant. All these references and the activities exemplify the cultural bricolage that marks the neighborhood. By consciously mixing Catholic and Muslim references during the festive events, as well as combining food and music from various origins, *Four Horizons* and the inhabitants of the neighborhood draw attention to the inhabitants' place-based sense of belonging. Despite the power asymmetries within this field of identification, the local political identity construed through festive events has led to the emergence of a we-group and created a sense of belonging that extends beyond ethnic and religious origin and identity.

One important consequence of these activities was that the new left-wing mayor realized the cultural and economic potential of the quarter. In 1996, he launched a district-wide festival called "Ensemble, nous sommes le Xe" (together, we are the tenth district of Paris), during which the local associations presented their activities and their particular cultural identities (through food, music, clothes), which led in some cases to a reinvention of these identities. It takes place since then and from 2004, a specific theme is chosen every year.

The local governance structures thus contributed to the development of place-based identities. The District Mayor followed the program of Mayor Bertrand Delanoë, who had based his activities on four principles: "solidarity; quality of life; openness to the world; citizenship." Although different neighborhood groups presented and sold their so-called traditional craft objects and/or food, the display of cultural heritage was only one aspect of the residents' activities. These gatherings and festive events also provided local entertainment and opportunities for the negotiation of local power relations and for influencing the ongoing urban restructuring processes by repositioning the neighborhood anew within the global tourist industry. They provided venues for publicly pressuring the politicians taking part in these events to revisit their image of the neighborhood and the urban redevelopment plans they advocated. The new Mayor of Paris, Anne Hidalgo, elected in April 2014, declared that she wants to continue inclusive urban politics: "My vision of Paris is a metropolis where migrants are first of all considered as a chance, where foreigners are integrated into local public life, where public services adapt to everyone and where language barriers do not exist anymore."[2]

---

[2] Hidalgo, Anne (2014): Paris qui ose. Mon projet pour Paris 2014–2020, p. 173.
http://issuu.com/oserparis/docs/prog-0412-rvb <accessed May 3, 2014>. Translated by the author.

Several French presidents have had a similar discourse, but sometimes limited their action to the exhibition of diversity (as in the *Musée du Quai Branly*, "where cultures engage in dialogue"[3], thought by François Mitterrand and achieved by Jacques Chirac).

It is important to note that if I had focused on the members of the district who were of Algerian descent, I could have told a story of an ethnic or transnational network: There are indeed connections between the president of *Four Horizons*, her nephew in Great Britain, and her uncles in Algeria. To begin instead with neighborhood ties and the evolving sense of local community does not deny the fact that this "communitas" (which had emerged through a threat - see Baumann 2001) evolves with the political context faced by North Africans. Living within transnational social fields, North Africans in Paris are very sensitive to France's colonial history. They also face increasing daily restriction of access to public space, especially around *Belleville* and *Sainte Marthe*, because of growing identity controls, which the government justifies by concerns about illegal migration. This was particularly important during Nicolas Sarkozy's presidency: The inhabitants of *Sainte Marthe* had voted massively for the left-wing candidate Ségolène Royal in 2008 and therefore continued to depreciate the right wing's policy. Therefore, between 2008 and 2013 (the end of Sarkozy's presidency after the victory of the Left), the inhabitants of *Sainte Marthe* (and several other districts of Paris) cultivated their idea of living in a sort of protected island, despite the threat of identity controls organized by the (national) police (and dangerous for residents without residence permit). As Sadio Bee, a Senegalese fashion designer living and working in *Sainte Marthe* puts it in 2013: "We are a big village here. Everybody knows each other, people help each other. The hospitality and the atmosphere remind me of Senegal."[4] This atmosphere was put forward by many inhabitants and by the presidents of associations during the struggle for conservation of the material and immaterial heritage of *Sainte Marthe*. Whereas the association *Village Saint-Louis Sainte-Marthe* put forward the material heritage and thought about an application for the UNESCO label because of the particular architecture of the buildings, the association *Les quatre horizons* has underlined the immaterial heritage: the extraordinary cultural richness of this cosmopolitan neighborhood.

However, in *Sainte Marthe* the response to the surveillance of migrants by policemen has been local rather than solely ethnic or religious. Surveillance has led to the development of solidarity networks for the protection of political and economic refugees. Several individuals were supported by a network that extends beyond persons of Algerian descent. Inhabitants of *Sainte Marthe* include these forms of solidarity among the reasons to be proud of their neighborhood. Consequently, I argue that cultural practices and alliances can best be analyzed in the context of

---

[3] Official subtitle of the museum's name: Musée du Quai Branly là où dialoguent les cultures. http://www.quaibranly.fr/en/collections/permanent-collections.html <accessed May 3, 2014>.
[4] Interview with Sadio Bee held by Monika Salzbrunn in French in Paris on August 31st, 2013. Translated by the author.

specific local political, social, and economic conditions, which are manifested within a specific time and space (Barth 1969; Cohen 1993). Actors' identities are "partial, multiple and fractured by cross-cutting alliances" (Werbner 1997: 265).

The local dynamics of *Sainte Marthe* were shaped by the struggle to re-structure the neighborhood as part of broader globe-spanning forces that are repositioning cities. The residents resisting the gentrification of the neighborhood were able to find support for their cause from the district authorities because of the increasing value of cultural diversity (displayed within the neighborhood) in marketing cities within the global tourist industry. The appropriation of urban space by the migrants in this case and its repositioning locally and globally were partly the outcomes of the subjective rescaling of the place from the local inhabitants' perspective (both migrant and native) and of local politicians' recognition of this neighborhood's value in repositioning Paris. *Sainte Marthe* is now proudly cited by official sources and publications as a picturesque model for a peaceful cosmopolitan environment - which is a result of the rescaling process. As Bodaar and Rath point out, the city

> boosters increasingly acknowledge that urban diversity is a vital resource for the prosperity of cities and a potential catalyst for socio-economic development, particularly since business investors consider this diversity as one of the factors determining the location of businesses. The commodification and marketing of diversity, through the commercial use of the presence of the ethnic 'others' or their symbols, fits in well with this process, and this helps explain the growing enthusiasm for 'interesting' landscapes   that have the potential to draw tourists. (Bodaar and Rath 2005: 4)

Daniel Fabre and Anna Iuso (2009) have also underlined the complex relation that inhabitants entertain with monuments: One possible attitude resides in an appropriation (Fabre and Iuso 2009: 26) of the buildings, sometimes with a certain kind of irony. The inhabitants of *Sainte Marthe* are satisfied with the almost achieved renovation process, but are conscious of the price they had to pay: A growing attention from outside that provided a growing afflux of tourists. Monuments and heritage, as Fabre writes in his latest book edited with Annick Arnaud (2013), are sources of emotions.

5   Conclusion: Rescaling Processes, Community-Building and Heritage Politics

Several processes of structural and migrant subjective rescaling can be observed in the present case. It is also possible to observe the processes through which the subjective scaling has a direct impact on the institutional structures of urban life in ways that reposition the entire city in relationship to flows of people, capital, and relations of power related to heritage politics. The pressure put by the inhabitants

to local politicians in order to prevent the district from destruction has contributed to a victory by the left. Thanks to a celebration of material and immaterial heritage (a cosmopolitan environment), diversity has come on the political agenda. This local development is increasingly important in a broader political context where national borders and boundaries are reconstructed.

After September 11, 2001, identity controls were expanded from national borders to inner public space in Europe and have increasingly become an appearance-based form of racial profiling. This form of surveillance produces new feelings of exclusion and denies practices of belonging, particularly among those of Arab or sub-Saharan origin, despite their European citizenship. It reinforces however these migrants' belonging to specific neighborhoods like *Sainte Marthe/Belleville* and therefore contributes to new forms of community-building. These nationwide or continent-wide administrative and executive practices are part of the uneven distribution of power within social fields and contribute to the subjective rescaling of places by migrants. As migrants experience these exclusion and inclusion processes in several global cities, their cultural, political, and financial activities contribute directly to the rescaling of districts within these cities. In the present case, the cultural and human values of the population in *Sainte Marthe* were put as an argument in favor of a preservation of its architecture and of its social and cultural diversity as part of the immaterial heritage. In response, the left-wing Mayor accepted to transform the project of destruction into a rehabilitation project. The few buildings that could not be prevented from destruction because of their bad basic structures were replaced by social housing in order to limit gentrification processes and real estate speculation.

As local leaders who must constantly assure the continuing successful regional and global connectedness of their cities, mayors of global cities support and celebrate the diversity of their urban space. They strive to facilitate continued global flows of capital, of investments, and of a highly skilled (migrant) labor force, as well as of tourists. Placing my analysis on the local rather than the national level allows me to analyze the situations in which urban discourses and policies may differ from those formulated by national leaders. The district mayors in the northeastern quarters of Paris generate responses to migration that reflect an awareness of competitive marketing of both cities and the contributions of migrants to both the restructuring and the marketing.

However, the short-term success of the rescaling process in Paris may lead to midterm social problems and increase inequalities in the city. Today, the rehabilitation project of *Sainte Marthe* is almost terminated and several properties, renewed with public funding in order to help the owners who would not have been able to finance the major part of the costs, are offered to investors or people belonging to the upper middle class, for prices up to 8,700 Euros per square meter.[5] An ancient art gallery in the principal street of *Sainte Marthe* was even replaced by a real estate

---

[5] Obervations in real estate agencies around *Sainte Marthe* between August 2013 and April 2014.

agency. In part, the gentrification process being mediated through neighborhood interventions and struggles reinforced the notion of belonging. However several individuals profited from the risen real estate prices by selling their apartments. The Parisian and district mayors were able to retain their positions within this dynamic, at least as long as they maintained a certain balance between different interest groups in the voters' eyes.

Paris's recognition of urban diversity was a product of the local context of Paris, including its specific electoral politics. These were shaped by the global and regional pressures asserted on the city leaders and the way they sought to reposition the city and themselves in urban politics and governance structures. Rescaling processes within the city, realized partly by migrants' activities and festive events, place the city on a different scale for an emerging type of tourist who travels in search of sociologically dynamic quarters like *Notting Hill* in London or *Kreuzberg* in Berlin. Nevertheless, it should be noted that perceptions of France and its restrictive immigration laws (reinforced until 2012) make New York a more attractive place for highly skilled migrants (Salzbrunn 2011).

Paris shares intensive gentrification processes where spaces are globally marketed in ways that reflect the struggle through which this city seeks to retain its leading global positioning. Examining the relationship between urban rescaling processes and migration allowed us to reposition urban political economy within more global fields of capital, tourism, investment, and transnational social fields. It also placed the restructuring of neighborhoods and gentrification processes within globally extending markets in interaction with migrants' transnational social fields and settlement dynamics. Using festivals as entry points to analyze the interplay between migrant dynamics, transnational networks, global restructuring, and questions of political representation, this chapter illustrated how local political discourses on immigration may diverge from homogenized narratives of national policy.

Furthermore, focusing on localities rather than on specific groups based on national, ethnic, or religious criteria allowed us to go beyond methodological nationalism and to follow the actor's social practices, which extend beyond national frameworks. I suggest that a focus on events can avoid taking a defined ethnic, religious, or sociocultural category as a key issue in the processes of communitarization. This epistemological perspective with its comparative design reveals some surprising crosscutting local alliances that go beyond predefined categories.

References

Anghel, Remus Gabriel, Eva Gerharz, Gilberto Rescher, and Monika Salzbrunn, eds. (2008): The Making of World Society. Perspectives from Transnational Research. Bielefeld: transcript.

Barth, Fredrick (1969): Ethnic Groups and Boundaries: The Social Organization of Cultural Difference. Boston: Little, Brown and Company.

Baumann, Zygmunt (2001): Community: Seeking Safety in an Insecure World. Cambridge: Polity Press.

Bodaar, Annemarie, and Jan Rath (2005): Cities, Diversity and Public Space. Metropolis World Bulletin 5 (Sept.): 3–5.

Brubaker, Rogers (2004): Ethnicity without Groups. Harvard: Harvard University Press.

Çaglar, Ayse S. (1997): Hyphenated Identities and the Limits of 'Culture.' *In* The Politics of Multiculturalism in the New Europe. Racism, Identity and Community. Postcolonial Enounters. Tariq Modood and Pnina Werbner, eds. Pp. 169–185. London: Zed-Books.

Cohen, Abner (1993): Masquerade Politic Explorations in the Structure of Urban Cultural Movements. Berkeley: University of California Press.

Fabre, Daniel, with Annick Arnaud, eds. (2013): Emotions patrimoniales. Paris: Maison des Sciences de l'Homme.

Fabre, Daniel, with Anne Iuso, eds. (2009): Les monuments sont habités. Paris: Maison des Sciences de l'Homme.

Furlong, Andy, Andy Biggart, and Fred Cartmel (1996): Neighborhoods, Opportunity Structures and Occupational Aspiration. Sociology 30(3): 551–565.

Glick Schiller, Nina (2005): Transnational Social Fields and Imperialism: Bringing a Theory of Power to Transnational Studies. Anthropological Theory 5: 439–461.

Glick Schiller, Nina, Linda Basch, and Christinina Szanton Blanc, eds. (1992): Towards a Transnational Perspective on Migration: Race, Class, Ethnicity and Nationalism Reconsidered. New York: New York Academy of Science.

Glick Schiller, Nina, and Ayse Çaglar, eds. (2011): Locating Migration. Rescaling Cities and Migrants. Ithaka: Cornell University Press.

Glick Schiller, Nina, Ayse Çaglar, and Thaddeus C. Guldbrandsen (2006): Jenseits der Ethnischen Gruppe als Objekt des Wissens: Lokalität und Inkorporationsmuster von Migranten. *In* Die Macht des Lokalen in einer Welt

ohne Grenzen. Helmuth. Berking, ed. Pp. 105–144. Frankfurt am Main: Campus Verlag.

Glick Schiller, Nina and Andreas Wimmer (2002): Methodological nationalism and beyond: Nation-state building, migration and the social sciences. *In* Global Networks 2(4): 301–334.

Grathoff, Richard (1994): Von der Phänomenologie der Nachbarschaft zur Soziologie des Nachbarn. *In* Die Objektivität der Ordnungen und ihre kommunikative Konstruktion. Walter M. Sprondel, ed. Pp. 29–55. Frankfurt am Main: Suhrkamp.

Jouve, Bernard, and Alain-G. Gagnon, eds. (2006): Les Métropoles au défi de la Diversité Culturelle. Grenoble: Presses Universitaires de Grenoble.

Knecht, Michi, and Levent Soysal, eds. (2005): Plausible Vielfalt. Wie der Karneval der Kulturen denkt, lernt und Kultur macht. Berlin: Panama.

Kofman, Eleonore (2005): Citizenship, Migration and the Reassertion of National Identity. Citizenship Studies 9(5): 453–467.

Lacroix, Thomas, Leyla Sall, and Monika Salzbrunn (2008): Les Marocains et Sénégalais de France, permanences et évolution des relations transnationales. Revue Européenne des Migrations Internationales 24(2): 23–43.

Raulin, Anne (2004): Anthropologie Urbaine. Paris: Armand Colin.

Salzbrunn, Monika (2002): Hybridisation of Religious Practices amongst West African Migrants in France and Germany. *In* The Transnational Family. New European Frontiers and Global Networks. Deborah Bryceson and Ulla Vuorela, eds. Pp. 217–229. Oxford: Berg.

– (2007a): Lokale und Globale Produktion von Alteritäten im Rahmen von Ereignissen – Wie ein heterogenes Pariser Stadtviertel seine Identität konstruiert. *In* Beziehungsgeschichten. Minderheiten – Mehrheiten in europäischer Perspektive. Elka Tschernokoshewa and Volker Gransow, eds. Pp. 151–168. Bautzen: Domowina.

– (2007b): Enjeux de construction des rôles communautaires dans l'espace urbain: le cas du quartier de Belleville à Paris. *In* Esprit critique. Automne 10(1). Jean Louis Laville, Ivan Sainsaulieu, and Monika Salzbrunn, eds. http://www.espritcritique.fr/publications/1001/esp1001article05.pdf <accessed April 26, 2015>

– 2008: The Feast as Marginal Politics: Carnival as a Mode of Expression in Migration. *In* Rituals in an Unstable World. Contingency – Hybridity – Embodiment. Alexander Henn, and Klaus-Peter Koepping, eds. Pp. 151–170. Frankfurt/Berlin/Bern/Bruxelles/New York/Oxford/Wien: Peter Lang.

– (2011): Rescaling Processes in Two 'Global' Cities: Festive Events as Pathways of Migrants Incorporation. In: Locating Migration. Rescaling Cities and Migrants. *In* Nina Glick Schiller and Ayse Çaglar, eds. Pp. 166–189. Ithaka: Cornell University Press.

Weber, Max (1921): Wirtschaft und Gesellschaft. Tübingen: Mohr.

Werbner, Pnina (1997): Afterword: Writing Multiculturalism and Politics in the New Europe. *In* The Politics of Multiculturalism in the New Europe. Racism, Identity and Community. Postcolonial Encounters. Tariq Modood and Pnina Werbner, eds. Pp. 261–267. London: Zed Books.

Intangible Cultural Heritage Exposed to Public Deliberation: A Participatory Experience in a Regional Nature Park[1]

Noël Barbe,[2] Marina Chauliac,[3] Jean-Louis Tornatore[4]

1 A political Reading

In 2007, when the Ballons des Vosges Regional Nature Park (*Parc naturel régional des Ballons des Vosges*, PNRBV) wanted to implement a policy of Intangible Cultural Heritage (ICH) for its entire territory and to register that as an objective in its charter, which was at that time being revised,[5] one of us, a member of the park's scien-

[2] Ethnological adviser (*conseiller pour l'ethnologie*) to the Regional Office for Cultural Affairs (*Direction régionale des affaires culturelles*) of Franche-Comté and researcher with the IIAC-LAHIC (Paris).

[3] Ethnological adviser (*conseillère pour l'ethnologie*) to the Regional Office for Cultural Affairs of Rhône-Alpes and researcher with the IIAC-Centre Edgar Morin (Paris).

[4] Anthropologist, professor at the University of Burgundy, researcher with the Centre Georges Chevrier (Dijon) and adjunct researcher with the IIAC-LAHIC (Paris). Previously, he was a lecturer at the University of Lorraine.

[5] The Ballons des Vosges Regional Nature Park covers the Vosges Mountains, extending from the Sainte-Marie-aux-Mines valley, in the north, to the gates of Belfort and of Luxeuil-les-Bains, in the south. As with all regional nature parks, the territory it covers is a result of municipalities signing on to a charter that is revised every twelve years. There are 187 municipalities, with 283,000 inhabitants and covering 2,700 square kilometers (about 1,040 square miles), that are signatory to the current charter, adopted in 2012.

tific advisory board and a lecturer in socio-anthropology at the University of Lorraine, suggested a political reading:[6] A reading that saw a radical new direction for the Convention for the Safeguarding of Intangible Cultural Heritage (hereafter: the Convention) centered on practices and inviting practitioners and their reference "community" to participate in the process of nominating and assigning heritage value. This reading led to a reversal of perspective: instead of offering itself up to scientific expertise, in the form of an inventory prepared by an ethnologist, as the PNRBV had originally imagined, the idea was instead to start out with an understanding of the park's unique cultural aspects and to deliberately raise the park's profile by promoting those aspects under the guise of the concept of ICH.

And yet it was not obvious how the project should proceed, even taking as its starting point the Convention and its definition of heritage in Article 2: "The 'intangible cultural heritage' means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage."(UNESCO 2003). Furthermore in Article 15: "Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavor to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management."(UNESCO 2003). And although the participation of the population is mentioned here and was also later confirmed by the intergovernmental committee in its Operational Directives, which insisted on the population's "free, prior, and informed consent,"[7] the states parties were and are given a great deal of latitude in interpreting this: in short, they are invited to negotiate their "take" on the Convention according to their own tradition of directives for heritage objects (Tornatore 2011). In fact, this idea of the "take"[8] is very appropriate as a way to account for the effects of this tension, which is built into the very text of the Convention. If we think of the Convention as being the object of "state takes," that allows us, on the one hand, to focus on the history of public action in the management of the past and, as a result, to emphasize continuity, in that a tradition of expertise and of an establishment of heritage "entities" will necessarily influence the interpretation of the means used to identify the "entities" intended by the Convention. Thus, in the French tradition, cultural entities have been filtered through two institutions, or institutional configurations: the first of these is folklore, whose development from the 19th century to the Second World War is bound up with the methodology of

---

[6] See Tornatore 2011 for a presentation of the analytical framework of this reading.

[7] Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Heritage, adopted by the General Assembly of States Participating in the Convention at its second session (Paris, France, June 16–19 2008) and amended in 2010 and 2012, http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026, <accessed Arpil 01, 2013>.

[8] This idea of the "take" is borrowed from Christian Bessy and Francis Chateauraynaud (1995), who apply it to the relationship of authentification or falsification towards any object which is appraised.

the inventory and of cartographic representation; the more recent institution, which is a specifically French invention, is ethnological heritage.[9] Its distinctive feature is that it combines – or rather attempts to combine, since it has not succeeded in establishing itself – the scientific discipline of ethnology with the politics of acknowledging culture, in its anthropological sense, as heritage (Barbe 2013; Tornatore 2004, 2010). And yet, on the other hand, the "take" engages and defines the one who is doing the taking; if it is an informed take, it also informs; and we could even claim that the taker does not escape unmarked from the taking. Thus, we could go so far as to imagine an evolution of the state's heritage institutions, under the influence of the Convention and of the new category which it establishes, in which those institutions have the potential to shape, possibly even to transform, the very ideas and traditions on which they are based, namely the ideas and traditions of heritage as they relate to monuments and to objects. In fact, the resistances that these institutions are working against are very telling on this point. It has been proposed that the idea of a "living heritage," which the Convention promotes, is a contradiction in terms.[10] This paradoxical definition of heritage is an apt expression of the tension that the Convention establishes between the state and individual communities. This gives rise to a crucial question: What kind of negotiation is possible between these two levels, such that the relation does not become one of pure imposition nor of pure crystallization? The offices and individuals charged with applying the Convention, or confronted with that application, have not failed to ask themselves that question.

The fact that the project was both local – in that it covered the territory of a nature park – and ahead of its time – in that France had only just ratified the Convention, in 2006, which itself had only just come into force – meant that conditions were favorable for experimentation based on this constitutive paradox. What happened was that the proposal was made for the municipalities to "bend" the Convention by redistributing expertise, in other words to take the idea of participation literally and to make it the basis of the designation. That led to an invitation to consider a system in which the scientist is less a content specialist, with the kind of jurisdiction over an object that an ethnologist usually has, than a guide, essentially a practitioner of social research, who therefore has no (cultural) object to defend; this system, then, had to make it its aim to define both people and things at the same time (expert practitioners as well as their objects). In other words, the work of categorization is refined as a part of the interaction performed by the system itself. And this aim certainly resonated with the fundamental and ongoing desire of the regional nature parks to "put the resident at the heart of their action"; in fact, it could be said to be inscribed into these parks' "institutional nature" to the extent that a regional nature park is, by definition, at a certain level and in some sense, a

---

[9] The Mission du patrimoine ethnologique was established within the Ministry of Culture from 1980 to 2010.

[10] As Barbara Kirshenblatt-Gimblett (2006: 168) notes, "if it is truly vital, it does not need safeguarding; if it is almost dead, safeguarding will not help."

"participatory" structure in its institutional setup, because its existence is based on municipalities' voluntary signing on to a project defined in the charter. In addition, the fact that participation, as a means and as a goal, was about to be inscribed into the park's new charter meant, that this aim was also positively received by the PNRBV team. But it also proceeded from a reflection on the modalities of engaged research arising from local experience in the politics of ethnological heritage[11] and on how some of the ethnological advisers within the decentralized services of the Ministry of Culture, namely the Regional Offices for Cultural Affairs (*directions régionales des affaires culturelles*, DRAC), had interpreted their missions and allowed them to evolve by bucking the dominant practice of documentary expertise and promoting the idea of participatory expertise or, at the very least, a sharing of cultural and heritage expertise.[12] This led to the involvement, starting at the end of 2007, of the DRACs of Franche-Comté and of Lorraine, via their ethnology advisers,[13] not only with financial support for the project from their institution but also, and above all, with intellectual and scientific support for the operation.

2   The "Publics" of the Process

Following the initial inventory project – during which an intern was assigned to catalogue the items that were likely to fall under the new heritage category, as well as to identify the stakeholders – and a "transitional" phase, a consensus was reached in early 2008 on the use of the citizens' jury system. The park's team decided that it was unrealistic to experiment with such a system over the entire territory of the park (208 municipalities), given the available resources, and to set up two experimental zones instead. The two experimental zones were in Lorraine and in Franche-Comté – in Lorraine, the Pays de la Déodatie (29 municipalities around Saint-Dié-des-Vosges); in Franche-Comté, the Pays des Vosges Saônoises (37 municipalities in the northeastern part of Haute-Saône). In each, a citizens' jury was to be set up with the task of identifying an "element" of ICH for which the park would then undertake to acquire recognition. Although its use for ICH is new, there is no lack of examples and models for participatory and deliberative democracy, which emerged as a theoretical issue in the nineteen-sixties and seventies and then became more powerful in the nineteen-eighties, with practical developments (Politix 2002; Bacqué et al. 2005; Sintomer 2007, 2008; Blondiaux 2008; Bacqué and Sintomer 2011). Over time, and especially in the last fifteen years or so, in France, participatory systems have multiplied, sometimes even codified into law.

---

[11] Jean-Louis Tornatore was an ethnology adviser for the Lorraine Regional Office for Cultural Affairs from 1995 to 2000.

[12] See Barbe 2003a, as well as the entire issue of Les nouvelles de l'archéologie (Archeology News) to which the text is an introduction (Barbe 2003b; Tornatore 2004, 2007). On a particular and very classical object, namely rural architecture, see Barbe 2008.

[13] Before being in charge of the Rhône-Alpes region, from 2007 to 2011, Marina Chauliac was the ethnology adviser for Lorraine.

But despite this general context, the ad hoc shape that the system would take was not obvious from the beginning and had to be established bit by bit, through an uncertain and tentative dynamic based on a back-and-forth between a steering committee and what was happening on the ground. The adjustments that were made along the way resulted in a grass-roots refinement of the concept of ICH – is the element in question a practice or a project? Does a part of the project need to be considered in practice? – and dealt with the criteria for the admissibility of practices as well as with the form of participation, leading from proposals to empowerment.

The steering committee enabled and supported the realization of the project from start to finish.[14] In theory, the committee was relatively large, consisting of elected officials and members of the park staff (the president, the director, the mission leaders), members of its scientific advisory board (a social anthropologist, an ethnologist, a historian, and an architect), the ethnology advisers of the two DRACs, representatives from the departmental archives of four departments, and elected representatives from the regions, municipalities, and municipal associations of the relevant areas. In practice, however, only a relatively stable core of about ten people actively worked on the project, namely park staff, elected representatives from the two regions concerned, and the three authors of this text. As for the activity on the ground, it was structured identically in both regions and consisted of two phases. The first phase (winter 2008) consisted of creating awareness about ICH and the process and was entrusted in part to a project manager recruited for this purpose.[15] This phase was intended to identify both practitioners wishing to identify and transmit their practices and knowledge, on the one hand, and people interested in participating in the decision-making process, on the other; the second phase (spring 2009) was a definitional phase and consisted of the recruitment of juries, the holding of jury meetings under the guidance of a facilitator and without the presence of the members of the steering committee, and finally, the delivery of their results, in other words the designated entities, to the elected park officials and the elected representatives and other agents of the regions in question.

This brief and factual summary of the process can be made more specific and problematized with reference to the concept of "public" as it is defined and used by the pragmatist philosopher John Dewey (2003) [1927]. According to Joëlle Zask's commentary on Dewey, "a public is the collection of people who have full access to the facts about the matters that concern them, forming shared judgments about the appropriate way to behave based on these facts, and in possession of the ability to openly express those judgments" (Zask 2008: 177).[16] The participatory

---

[14] Twelve meetings were held between September 2007 and December 2009.

[15] Holder of a master's in sociology, she was recruited for a four-month contract, running from September to December of 2008.

[16] "Un public est l'ensemble des gens ayant un plein accès aux données concernant les affaires qui les concernent, formant des jugements communs quant à la conduite à tenir sur la base de ces données et jouissant de la possibilité de manifester ouvertement ses jugements". Noël Barbe and Flavie Ailhaud

framework has as its goal, and is based on, the formation of a public and the grad-
ual establishment of its authority. This authority is not granted in advance but de-
velops in the context of a situation whose aim is precisely to seek agreement "with-
in" a public. From this perspective, still following Zask's commentary on Dewey, a
public is diverse, or plural, a composite of publics, a plurality with respect to the
singularity of the roles, functions, ranks, or positions occupied by the individuals
involved in it, and it is from this perspective that we can consider the specific plu-
rality of the public constituted during the course of the operation.

The public that is constituted is, first and foremost, "a public of stakeholders",
mobilizing around a desire to identify what could be considered ICH. A public,
then, that one could hope to see becoming a producer of knowledge and an actor
– it is not yet known how – in the designation of an "ICH asset". This public is
brought together, first, by publicity, involving the distribution of a "communica-
tion card" by mail, but also passed out in stores, which can introduce a situation of
exchange. Then, it is brought together by meetings that are organized in each of
the two regions, during which the concept is explained and demonstrated by way
of examples before a call is issued for proposals of what might constitute a local
ICH entity. At first, we thought that a deliberative public might emerge through
volunteers from this first public. However, the very concept of "ICH," which was
not immediately understood nor intuitively grasped, proved to offer too weak a
basis for the emergence of this public.

The next public is "a public of project carriers," that is to say of those who
have an "ICH asset" to propose in response to the park's solicitation. This public
of proposals emerges in part from the first public, but it must be recognized here
that it is difficult to mobilize practitioners. Even aside from lack of time or of in-
terest, there may be three reasons for this: a poor understanding of the topic and
of the difficulty of identifying the concept of ICH and translating it into practice; a
poor definition of the stakes involved in an application and of what recognition
under the ICH label could provide;[17] and a mismatch, for a given practice, between
what it means for the holder and the park's expectations.

The final public is a "deliberative public", made up of the members of two cit-
izens' juries. In Déodatie, the involvement of the development council, during the
organization of public meetings in 2008 on the way to the call for applications,
helped push the steering committee towards joint recruitment: out of a total of
nine recruits, four were brought in through the public meetings or through the
activity of the development council; the other five were randomly chosen from the
telephone directory after taking age, gender, socio-professional category, regional

developed this approach in a reflection on the creation of a "house of social history" in Montbéliard
(Ailhaud and Barbe 2011).

[17] Note here the absence of UNESCO as a forum that is likely to provide symbolic compensation,
with potential political and economic effects. Representatives at the national level showed little inter-
est in the project, and at the local level, the park and the DRACs, through the steering committee,
ultimately failed to make the possible benefits of the recognition of a practice clear.

origin, and primary or secondary residence into account. In the Vosges Saônoises region, meanwhile, because there were no volunteers, the recruitment was entirely random. The goal for each jury was to take a list that had been compiled at the end of the first phase and to select from it one cultural asset that its holder wanted to transmit and to promote: in Déodatie, the list had eight entries, and in Vosges Saônoises it had twelve (see box, below). The first meeting was devoted to disseminating the information necessary for the jury to make its decision: three "experts" (members of the steering committee[18]) appeared in order to give the board members information about the PNRBV, the notion of ICH and the Convention, and the principles and forms of deliberative democracy. After that first appearance, the members of the steering committee, in particular the "scientists," did not participate in or attend the juries' discussions: from March to June 2009, the discussions were moderated by a PNRVB representative[19] whose function was essentially to make sure that the discussion remained balanced, to allow all participants to express their views, and to make sure that no one limited anyone else's freedom of expression.

Proposals Examined by the Citizens' Juries

For the Vosges Saônoises Region

The baking of traditional bread, Olivier D. (baker)
Hiking and bicycle tourism, mountain bike, hybrid bike (bicycle clubs), Marcel B. (Departmental Committee of Haute-Saône)
The manufacture of garden tools, Claude G. (blacksmith)
Traditional music and dances connected with the spinet, Serge B. (musician and dancer)
The restoration of *chalots*,[20] Denis R. (craftsman-carpenter), and Claude C. (building craftsman)
Basketwork, Jean G. (basketmaker)
The rehabilitation and reuse of bread ovens, Claude C. (former building craftsman), and Philippe A. (baker)
The creation and marking of hiking trails, Guy B. (hiker, president of the *Sainte Marie en fête* club)
Skills and knowledge related to wood, Georges T. (carpenter and sawyer)
Harvesting and knowledge associated with fruit, Bernard H. (Chassardfarm)

---

[18] Namely a park representative and, taking turns, two of the three authors of this paper.

[19] Because of a maternity leave, the project manager who was in charge of the heritage section and who had been monitoring the project was replaced by a person recruited under a temporary contract. This meant that the jury phrase was monitored and moderated by a person who was employed by and who represented the park, but for some of that time that person was an outsider to the project.

[20] The *chalot* is a little building attached to a farm, made out of wood and covered in lava tile roofing; these buildings were used to store grain, alcohol, food, family documents, etcetera. Very geographically specific, it is characteristic of the high valleys of the Augronne, Combeauté, and Raddon rivers, between Lorraine and Franche-Comté.

Traditional music and dances, Christine C. (*BerdiBerdo*-club)
Oral traditions, Valérie M. (*Cercle des bonimenteurs* (Smoothtalkers' group))

For Déodatie

Stories about the forest, Jérémi B. (professional storyteller)
The artisanal use of charcuterie processes, Noël M. (butcher)
Guided tour of the St. Joseph mine, M. G. (miner, *Association de sauvegarde des mines d'argent de La Croix-aux-mines* (Association for the protection of the silver mines of La Croix-aux-mines))
Knowledge and upkeep of orchards, MM. H. and V. (*Les croqueurs de pommes*-club (Apple crunchers club))
Lorraine goat husbandry, Cécile B. (farmer)
The mycology of the High Vosges, Patrick L. (*Société de mycologie des Hautes-Vosges*)
The production and practice of the spinet, Aurélien G. (musician and spinetmaker)
The use of draft animals for loading and transportation, upkeep, and agricultural work, Emmanuel F. (equine transportation and agricultural activities)

3   Heritage and Territories Put to the Test

The juries' expertise in their heritage deliberations was based on two types of "citizen knowledge" (Sintomer 2008). The first of these is the "knowledge of usage", which leads to citizens being understood as users, in this case belonging to a given territory, and therefore as the people best suited to defining their own needs. Then, in dialogue with technicians or experts, a shared knowledge, useful to the largest number, is constructed, along the model of John Dewey (2003) [1927]. The second kind is "common sense," or the exercise of subjective reason, which is based on the possibility of transcending one's own particular interests. This, then, is how, thanks to the possibility of acquiring knowledge and therefore of having an informed opinion, and then thanks to deliberation and debate, a shared idea of the common good can be formed.

In terms of what actually happened on the juries, both juries took their involvement to the point of making recommendations with a view to improving the application process. They paid particular attention to guarding against any kind of discrimination and to setting up rules to establish equal treatment for all the keepers of ICH practices. They examined each of the entries according to the selection criteria (the territorial specificity of the practice or entity, the degree to which it was a "living" practice or entity, how willing its practitioners or caretakers and keepers were to transmit it); they scrutinized each file and, as necessary, held individual meetings with the relevant practitioners and searched for information online. In the end, the heritage entities that they chose were the knowledge and skills to do with the restoration of *chalots*, for the Vosges Saônoises region, and the use of draft animals, for Déodatie.

The discussions about the final decision, along with the other debates and conversations, show a high level of reflection about heritage, its function as well as its effects. The juries justified their choices by the benefits that the chosen entities bring to the community: those choices crystallized a consensus around the necessity of resorting to old practices in order to respond to current challenges, such as environmental protection and the search for new areas of economic development. Faced with the question of identifying a "community" with an ICH entity, the juries also emphasized the heterogeneity of the populations that had been established for longer or shorter periods in a given territory. Once the geographical area (i.e. the home territory, what is called the *pays*, or "country" in French) has been identified, the very notion of an inhabitant or resident was also strongly questioned: Beyond the *pays* or home territory ("Déodatie country" or "Vosges Saônoises country"), it was the region of the Vosges Mountains that emerged as the geographical entity of reference, but as an "imagined community," as used by Benedict Anderson (1991), that is a community or territory that depends on the recognition that it is given. Thus, the criterion of regional specificity was constantly subject to discussion: what seemed to be the most typical was not that after all, whether it had to do with a breed of so-called "Lorraine" goats, an appellation which was called into question;[21] or with the *chalots*, for which equivalent forms, with the same function, were identified in Galicia and in northern Portugal;[22] or with the spinet, which was apparently not a typically Vosgian musical instrument after all because it belongs to the zither family.[23]

The connection with the past was ultimately in the background or else hidden, with the evidence of a non-mechanized practice (the use of draft animals) in Déodatie or a vague allusion to the "memory of our traditions of yesteryear" in the Vosges Saônoises area considered enough to justify it. By not focusing their line of questioning on local specificity or on things being anchored in the past (because such a line of questioning had proven to be in vain); by pursuing, among the criteria they had available, the capacity of a project or an asset to be expanded in time and in space, both turned towards the future and benefiting the largest number of people; and by construing heritage as a resource and not just as something to be made a fuss over, the juries somehow inscribed themselves into a dynamic and constructivist conception of the space or the territory for which they were required to define or invent an entity of reference (among others). "A territory," writes Bruno Latour, "is first and foremost the list of entities on which one depends" (Latour 2010: 13).

In effect, the juries took the situation as an examination (among other things) whose contribution was not to map their territory, which is what an inventory would have done, but to establish the territory in its livability, to bring it up to date

---

[21] Citizens' jury for Déodatie, April 30 2009 meeting (Fraize village).

[22] Citizens' jury for Vosges Saônoises, June 6 2009 meeting (Fougerolles village).

[23] Citizens' jury for Déodatie, May 8 2009 meeting (Fraize village).

in relation to the other entities (social, economic, political, etcetera) on which everyone depends – looked at from that perspective, territory is not reducible to geographical boundaries or to an administrative area (ibid.).

Given the pathway that was opened by the Convention, this experimentation shows how much the notion of heritage, whether tangible or intangible, can "move" when it is entrusted to the inhabitants of a territory. Specifically, the slippage brought about here, moving from the object to knowledge and to practice, contributes to the freeing of heritage from an essentialist concept of territory and to identifying it with a common good, belonging to a new political register that emphasizes the ability of people to be and to act as inhabitants, residents, citizens. Individuals and communitarian identities – based on a shared past – give way to citizens and to territorial identities, experienced as a negotiation in the present and a projection into the future organized around shared living.

4   Some Comments in Summary

In view of the formulation of the concrete results, that is to say the final choices of the citizens' juries, and taking into account the time and the energy spent over the course of three years, we could conceivably conclude that a mountain had given birth to a mouse. This feeling, to which the authors of this paper have occasionally yielded, was recently expressed in a somewhat ambiguous commentary written by Christian Hottin:

> An inventory constitutes a very low level of recognition: it is simply a census. At this stage of preservation, the participatory process, which can sometimes be very long, leads to the designation of the very same entities that were already identified by previous ethnographical work. This is, for example, what happened during the experiment in participatory democracy carried out in the territory of the Ballons des Vosges Regional Nature Park: after several months of meetings, the inhabitants of the territory selected techniques or practices that had already long been identified as ethnological heritage for these territories. The final result is that the operation – which is long and delicate – is relatively costly (Hottin 2013: 59).[24]

---

[24] "L'inventaire constitue un très faible niveau de reconnaissance: il est un simple recensement. À ce stade de sauvegarde, le processus participatif, parfois très long, conduit à designer des éléments identiques à ceux déjà repérés par des travaux anthropologiques antérieurs. C'est par exemple ce qui s'est produit lors de l'expérience de démocratie participative conduit sur le territoire du Parc naturel régional des Ballons des Vosges: au terme de plusieurs mois de réunions, les habitants du territoire ont sélectionné des techniques ou pratiques déjà identifiées depuis longtemps comme patrimoine ethnologique sur ces mêmes territoires. Reste que le coût de l'opération – longue et délicate – est relativement élevé". The import of this remark becomes clearer in the context of knowing that Christian Hottin is a heritage curator, former head of the Ethnological Heritage Mission and currently connected to the Steering Department for Scientific Research and Politics in the General Directorate for Heritage of the Ministry of Culture and Communication.

We believe that if there is going to be criticism, it should not be based on a comparison, even if expressed via roundabout hints, between benefits and costs when the benefits and the costs do not refer to the same things. As Hottin surely understood, knowledge is not the same thing as acknowledgment (Honneth 2007; cf. Groth in this volume), so it does not make sense to set acknowledgment cost against benefit of knowledge and then make a point of the mismatch between the two.

The work that was done, within a unique inquiry format, to allow practices to emerge that were already perfectly well known cannot at all be reduced to a simple process of identification. If that had been the only goal, as we already emphasized in the context of the juries' assessment of the concept of the territory, even a "simple listing," consisting of duly documented records, would have been enough. But our experiment arose from calling into question the monopoly of scientific expertise and of the strength of its authority in favor of a confrontation between kinds of skill and knowledge, ways of knowing things, and kinds of expertise, in a search not for knowledge but for "empowerment."

The starting point – which we would defend to this day – was the idea that as a mode of acting on the past-present and a way of saying what is important to us with respect to "living in time,"[25] ICH cannot remain a realm reserved for (ethnological) experts; it cannot be exclusively subject to scientific authority but must instead face the scrutiny of different "authorities" and various modes of knowledge. It rests on the ability of each citizen to deliberate in a reasonable fashion, that is to say to submit to "the force of the better argument,"[26] (J. Habermas, cited by Blondiaux and Sintomer 2002: 24) and to look beyond his or her particular interests. We were aiming to build a shared heritage expertise that would engage both the inhabitants and the elected officials of a territory, regional nature park leaders and scientists, all of whom would then be involved in various capacities in the decision-making process.[27]

From this perspective, in the context of the critique of the investment cost of the deliberative process, what is important to us is that we managed to carry out this deliberative experiment and that, betting on its impact as a model and its performative character (what it does and what it makes happen), we can imagine it being conducted again, in such as a way as to contribute to the rise of new modes of heritage and cultural action.

---

[25] As Bruno Latour also writes, anticipating the challenges faced by the inhabitants of a territory every time an item on the list that constitutes that territory (such as high-speed broadband or a local service) is added or taken away, "'territoire' is a word that depends much more on time than on space" (Latour 2010: 16).

[26] « La force du meilleur argument ».

[27] Note that the Operational Guidelines reflect a commitment to establish if not a shared expertise then at least a partnership between experts and practitioners in the Intergovernmental Committee for the Protection of Intangible Cultural Heritage (Chapter III and IV, paragraph109: http://www.unesco.org/culture/ich/index.php?lg=en&pg=00026, <accessed April 01, 2013>.

However, we do recognize some shortcomings in the overall picture of deliberative democracy and of our experiment in particular. It is not so much a sense that we "did all that for this" that grips us as it is a sense, if not of failure, then at least of mistakes in the process and of inconclusive results compared to how much was invested.

Looking back, this feeling can be expressed by way of discrepancies between, on the one hand, a smooth, factual presentation (on glossy paper, in a PowerPoint, or on a website[28]) reporting on an experiment which, if it did not succeed, at least achieved tangible results (the citizens' juries met, they completed their assigned tasks, and the chosen elements underwent the validation procedures – see below), and on the other hand all the work that therefore became invisible or was done behind the scenes in order for those things to happen: work that is not at all smooth, that gropes along, shot through with conflicts and misunderstandings. The steering committee was where these tensions began. For one thing, due to the nature of its composition, it was, to some extent, in conflict with the goal of participation. Because of our desire to break with the inventory process, we deliberately opted not to intervene in the content. And yet, in spite of all that, we did not eradicate the effects of authority; we simply moved them, and the steering committee had all the appearance of a command post, in fact maintaining a hierarchy between its members and the members of the juries. In addition, the steering committee did not have a specific function but operated along what could be called the classical lines of a collaboration between an institution set up to act and scientists who play an advisory role, on a voluntary basis no less, to that institution – and this mode turned out to be poorly suited to the participatory process. The result was that there were moments when things flared up among the scientists themselves and between the park's team and the scientists – especially in 2008, the crucial year in which the framework was defined and in which the park team's "interessement"[29] by the scientists, and vice versa, played a role.

Following Susan Leigh-Star, co-inventor of the idea of the "boundary object" (Star and Griesmer 1989; Star 2010), we should pay attention to the discrepancy mentioned above and treat it as a fertile anomaly, and in order to do this we need to work on revealing the "knowledge infrastructure" (Star 2010), or in other words "the invisible underpinnings of the action" (Trompette and Vinck 2009: 17). Put briefly, the steering committee functioned as "knowledge infrastructure" based on at least two boundary objects, namely the Convention and the idea of participation; in other words, both of these entities took on the form of boundary objects in action, in the sense that people acted on and with them (ibid.: 20). It is a characteristic of the boundary object that it supports cooperation, contributing to a working together without the need to obtain consensus among the actors, either before-

---

[28] See the description of the experiment on the PNRBV website: http://www.parc-ballons-vosges.fr/culture_patrimoine/patrimoine-en-action/patrimoine-culturel-immateriel-pci, <accessed April 01, 2013>.

[29] We are using the word here in its sense as used in the sociology of translation (Callon 1986).

hand or during the action – or else, if such a consensus is present, it is always very fragile (ibid.: 21). The value of this concept here is threefold: it allows us to understand, first, how the experiment was able to succeed in spite of crises and in spite of the fact that the problems, especially those having to do with "interessement", that gave rise to those crises were never solved; second, how and why a participatory framework or mechanism could be set up to apply to heritage without each actor within it actually having renounced his or her a priori conception of heritage (thus, action based on the primacy of knowledge continues to be a preferred option for the Park); and third, how and why a participatory framework was able to be built on a segmentation of "publics" and in particular a separation between the steering committee and the juries and why the goal of shared authority did not finally result in a confrontation between authorities, which was carefully avoided.

In addition, we find it noteworthy that the authority granted to these juries stopped right before any actual decisions about implementing the results of their deliberations. It must also be noted that following the deliberative phase, the PNRBV set up working groups – in which some of the members of the juries participated, with the idea that they would thus be able to safeguard the recommendations the juries had made – which were intended to begin the process of validation for the entities that had been chosen: for the use of draft animals, structuring the industry andraising awareness and support within communities for the development of new uses for this mode of energy (transportation, maintenance of green spaces, etcetera); for the *chalots*, evaluating local resources and inventing new uses for and ways of transmitting the knowledge and skills related to the *chalots*. In this latter case, a contest was launched in 2010 to collect ideas about new applications, in particular for techniques of assembling wood. The contest involved about fifteen teams, which proposed architectural, micro-architectural, and design projects, from which three winners were selected.[30] This phase, which was carried out under the park's auspices, was intended to ensure an active "presence" of the heritage entities in people's everyday life; however, the participation in this phase was lower than in the previous one. Although one of the members of the Vosges Saônoises citizens' jury also sat on the jury that chose the winners of the following contest, the only real carryover from the citizens' jury was the sense that citizens were being given choices, but there was no actual debate on this new panel.

Finally, now, we find ourselves wondering about the very meaning of participatory democracy and the possible ways that it can be put into practice. An attempt to replicate this experiment, once again on a micro-territory within the PNRBV, as currently envisaged, could lead us to ask a number of questions, some of them questions we have already asked before. Should the word "democracy," a pivotal term for so many political debates beginning with Plato, be coupled with "participatory" or "deliberative?" The terms are as ambivalent as they ever were, ranging

---

[30] The three winners were: an adaptable piece of wooden furniture for a child's room, an office space, or even an emergency move; a picnic area; and an adaptable interior design kit. Market research was still required in order for these projects to be implemented.

from zero participation to maximum deliberation, indicating true engagement in public affairs. To some extent, the agreements are always tentative and are, each time anew, the result of negotiations between goals that sometimes conflict with each other (for example, empowerment versus the lubrication of the social bond). How can we inform the connection between past experience and future experiments (Castoriadis 1999: 161)? If deliberative processes call the system of delegating responsibility to political representatives and to technical experts into question, then ambiguity results when it is these very same representatives and experts who are the ones who organize those processes. There is then a risk that these processes may only be false fronts for technocracy or for political exploitation. Democracy as a far-reaching movement (Rancière 2005) would then run aground against the use of deliberative frameworks as a governing technique, based on the reduction of the experience to a technical formula. Therefore, we believe that it is important to remain vigilant and to collaborate on inventing ways to become bearers of social critique and of frameworks for separation, in line with the goal that Jacques Rancière sets for democracy. "Democracy," he writes, "is neither the form of government that allows the oligarchy to reign in the name of the people nor the form of society that regulates the power of commodities, [but it is] the action that constantly wrests the monopoly on public life from oligarchic governments and omnipotence over lives from wealth" (ibid.: 105).

References

Ailhaud, Flavie and Noël Barbe (2011): L'ouvrier, l'autochtone et l'habitant. Étude préalable à la définition du projet de Maison de l'histoire sociale du Pays de Montbéliard. Montbéliard: Éditions Trajectoire Ressources.

Anderson, Benedict (1991): Imagined communities: reflections on the origin and spread of nationalism. London: Verso.

Bacqué, Marie-Hélène, and Yves Sintomer, eds. (2011): La démocratie participative. Histoire et généalogie. Paris: La Découverte.

Bacqué, Marie-Hélène, Yves Sintomer, and Henri Rey, eds. (2005): Gestion de proximité et démocratie participative. Paris: La Découverte.

Barbe, Noël (2003a): Actions patrimoniales. Les Nouvelles de l'archéologie 93: 5–7.

– (2003b): Patrimoine(s), ethnologie et durabilité: un point de vue. *In* Les enjeux du développement durable et la direction de l'architecture et du patrimoine. Rapport de synthèse au ministère de la Culture et de la communication. Christian Enjolras, ed. Pp. 109–113. Paris: Ministère de la Culture et de la Communication.

– (2008): Désigner des maisons patrimoniales. L'espace concurrentiel d'un geste. Revue historique neuchâteloise No. 1–2: 131–148.

– (2013): Isac Chiva, ethnologie et politique patrimoniale. Terrain 60: 148–163.

Barbe, Noël, Marina Chauliac, and Jean-Louis Tornatore (2013): Le patrimoine culturel immatériel au risque de la délibération publique. Culture et recherche127: 41–43.

Blondiaux, Loïc (2008): Le nouvel esprit de la démocratie. Actualité de la démocratie participative. Paris: La République des idées.

Blondiaux, Loïc, and Yves Sintomer (2002b): L'impératif délibératif. Politix 15(57): 17–35.

Bessy, Christian, and Francis Chateauraynaud (1995): Experts et faussaires. Pour une sociologie de la perception. Paris: Métailié.

Callon, Michel (1986): Some elements of a sociology of translation: domestication of the scallops and the fishermen of St Brieuc Bay. *In* Power, action and belief: a new sociology of knowledge? J. Law, ed. Pp. 196–223. London: Routledge.

Castoriadis, Cornelius (1999): L'institution imaginaire de la société. Paris: Seuil.

Dewey, John (2003) [1927]: Le public et ses problèmes. Pau: Publications de l'Université de Pau/Éditions Léo Scheer.

Honneth, Axel (2007): La réification. Petit traité de théorie critique. Paris: Gallimard.

Hottin, Christian (2013): Le rôle et le concept des communautés infraétatiques, et concept voisins, au regard de la convention pour la sauvegarde du patrimoine culturel immatériel. Quelques réflexions à partir de six années de mise en œuvre de la convention. *In* Le patrimoine culturel immatériel et les collectivités infraétatiques. Leila Lankarini and Francette Fines, eds. Pp. 55–63. Paris: Pedone.

Kirshenblatt-Gimblett, Barbara (2006): World Heritage and Cultural Economics. *In* Museum Frictions. Public Cultures/Global Transformations. Ivan Karp, Corinne A. Kratz, Lynn Swaja and Tomas Ybarra-Frausto, eds. Pp. 161–202. Durham and London: Duke University Press.

Latour, Bruno (2010): La mondialisation fait-elle un monde habitable? Territoires 2040 2: 9–18.

Politix (2002): Démocratie et délibération. 15(57).

Rancière, Jacques (2005): La haine de la démocratie. Paris: La Fabrique.

Sintomer, Yves (2007): Le pouvoir au peuple. Jurys citoyens, tirage au sort et démocratie participative. Paris: La Découverte.

– (2008): Du savoir d'usage au métier de citoyen? Raisons politiques 31: 115–133.

Star, Susan Leigh (2010): Ceci n'est pas un objet-frontière! Réflexions sur l'origine d'un concept. Revue d'anthropologie des connaissances 3(1): 18–35.

Star, Susan Leigh, and James R. Griesemer (1989): Institutional Ecology, "Translations" and Boundary Objects: Amateurs and Professionals in Berkeley's Museum of Vertebrate Zoology, 1907-1939. Social Studies of Science 19: 387–420.

Tornatore, Jean-Louis (2004): La difficile politisation du patrimoine ethnologique. Terrain 42: 149–160.

– (2007): Qu'est-ce qu'un ethnologue politisé? Expertise et engagement en socio-anthropologie de l'activité patrimoniale. http://www.ethnographiques.org/2007/Tornatore.html, <accessed April 01, 2010>.

– (2010): Dans le temps. Pour une socio-anthropologie politique du passé-présent: patrimoine, mémoire, culture, etc. Mémoire pour l'obtention de l'habilitation à diriger des recherches. Paris: École des Hautes Études en Sciences Sociales.

– (2011): Du patrimoine ethnologique au patrimoine culturel immatériel: suivre la voie politique de l'immatérialité culturelle. *In* Le patrimoine culturel immatériel: enjeux d'une nouvelle catégorie. Chiara Bortolotto, ed. in collaboration with

Annick Arnaud and Sylvie Grenet, Pp. 213–232. Paris: Éditions de la Maison des Sciences de l'Homme.

Trompette, Pascale, and Dominique Vinck (2009): Retour sur la notion d'objet-frontière. Revue d'anthropologie des connaissances 3(1): 5–27.

UNESCO (2003): The Convention for the Safeguarding of Intangible Cultural Heritage.
http://www.unesco.org/culture/ich/index.php?pg=00006 <accessed August 6, 2014>.

Zask, Joëlle (2008): Le public chez Dewey: une union sociale plurielle. Tracés 15: 169–189.

Patronage and Preservation: Heritage Paradigms and Their Impact on Supporting "Good Culture"

Regina F. Bendix
University of Göttingen

1   Introduction

UNESCO's effort to empower communities focuses on heritage holders. In emphasizing the need to involve such communities in heritage nominations, UNESCO latently draws attention to what I will loosely and wrongly call communities of patrons – that is, individuals and groups who spearhead preservationist endeavors. They are, of course, generally not acting as a community, but are driven rather by a complex mixture of ideological, social, and economic motivations. Numerous case studies illustrate how it is individual actors or actor groups from within and/or without a community, who find a particular type of heritage worthy of preservation and who set in motion a nomination process. Such actors serve as patrons or intermediaries for a community, assisting with the work of getting a particular heritage onto the world stage – a task which generally requires considerable resources. The term patron, in turn, provides a means to link the heritage-complex with the broader framework of sponsoring culture and the arts. Patronage is an interventionist practice – much as heritage-making, and with it UNESCO, though economically quite impotent, is a well positioned and globally recognizable icon that can alert financially mightier patrons to the goals of preservation. Patronage has a long history that helps to place the valorization processes at the heart of heritage making within a broader context: the interdependence of (not only) financial support, and the socio-cultural transformation of culture's value.

Sponsorship of arts and cultural expressions is by necessity selective and has thus brought forth and solidified hierarchies in what is considered "good culture" within a polity. It is worth asking how such mechanisms of selecting and supporting cultural practices and products are affected by the heritage regime: How do older, established regimes of cultural valorization figure in the present?[1] Heritage dynamics thus encourage one to ask what causes, motivates, and legitimates bestowing value on a spectrum of cultural expressions: How do broader sociopolitical and spatial shifts contribute to slow but perceptible changes in seemingly firmly established systems of valorization? Although the heritage regime fosters exclusivity – as not all nominations can be successful – heritage making on the global level, as initiated by UNESCO, has brought some confusion or, more neutrally put, movement into historically established canons from so called high to vernacular arts. This may – as is suggested in the following – contribute to a successive flattening of distinctions based on aesthetic hierarchies so typical of earlier eras of what James Clifford has termed the "art-culture system," in and out of which indigenous arts, too, may travel (Clifford 1988: 224). The heritage regime renders cultural expressions globally into a kind of "aesthetic commons" that encompasses all social groups. While emphasizing community provenience, it temporarily flattens distinctions of class, ethnicity and wealth out of which localized scales ranging from the vernacular to high art articulate(d) themselves. Heritage-eats-the-arts-system or heritage-levels-the-playing-field might be a description for the dynamic of support and sponsorship of expressive forms that motivated particularly the 2003 Convention honoring Intangible Cultural Heritage. UNESCO's heritage division is, after all, an effort not just to valorize but also to democratize the appreciation of world arts. This equalizing thrust in recognition brings about a seeming randomness in the politics and sponsorship of aesthetic taste – though perhaps randomness, chance, or luck were variables in how patronage of the arts came about in earlier times as well.

Heritage regimes in their ever more comprehensive anchoring are a particularly suitable place to reflect on how culture, associated with what UNESCO terms communities, accrues value. Community can refer to many different types of social groupings that actively practice or generate such culture at a particular moment in history.[2] As a complex and costly administrative endeavor, UNESCO's various heritage lists assemble excerpts of culture, intangible and rendered tangible, that may have been valued at particular times with terms such as courtly culture or high culture, folk or traditional or ethnic culture, and popular culture. Indeed, the nomination texts posted by UNESCO will often use such adjectives to refer to the "community" among whom a particular heritage circulates:

---

[1] On the interplay of cultural valorization and valuation, cf. Kirshenblatt-Gimblett 2006; on the interface of old and new cultural protection regimes, cf. Tauschek 2013.

[2] For critical assessments of the terms group and community, consider Noyes 2003 and 2006. Cf. also the contribution of Ellen Hertz in this volume.

The royal ballet of Cambodia, inscribed in 2008, "has been closely associated with the Khmer court for over one thousand years." Inscribed in the same year, Guatemala's Rabinal Achí dance drama tradition "is a dynastic Maya drama which developed in the fifteenth century and a rare example of preserved pre-Hispanic traditions." Chovqan, a traditional horse-riding game in Azerbaijan, was inscribed in 2013 for its strengthening of "feelings of identity rooted in nomadic culture."[3] From royal and dynastic to nomadic: More such examples could easily be found in successful as well as failed nomination dossiers. They illustrate location-specific connotations of culture valued for its group or class association.

The world-wide exhibition platform that is constituted by UNESCO's lists broadens the privileges – or lack thereof – associated with cultural manifestations in a given local, historically circumscribed setting with the label "of universal value." Valdimar Hafstein traces in the instrument of heritage lists a transformation from exceptionality – as captured in the earlier UNESCO designation "master piece" – to a representation where all that is inscribed on the list is equally valuable, equally beautiful, equally appreciated (Hafstein 2009: 102–104). The selection process also involves regional, national and finally global competition, and one could argue that the winners and losers in this process bring forth new hierarchies (Bendix, Eggert, and Peselmann 2013: 18). However, the competition is informed by rules and disciplined by concrete as well as diffuse guidelines, generating new value-setting practices and an extensive paper trail (cf. also De Cesari 2010). Together, this makes for a pedagogy of how to value culture and one can thus equally well perceive UNESCO's heritage making as a training ground for equalizing appreciation, restoration and conservation of culture.

In the actual settings of cultural practice, the re-valorizing processes commence as part of the heritage nomination and continue with successful inscriptions or placements on the heritage list. Whether it be safeguarding, protecting or even shielding from view, exhibiting, marketing or a combination of some of the above, claiming and keeping heritage status carries a cost. Public and private sponsoring or patronage is thus essential to maintain the goals set out in a nomination file – and the question is how public institutions and private donors make up their mind regarding the financial support of heritage initiatives next to countless other local, regional and national art and culture initiatives requesting funds to preserve, maintain and/or to innovate aesthetic expressions.

In this chapter, I am interested in the power of sponsorship or patronage in shaping the value of selected cultural practices and objects and thus seek to place the dynamics of heritage valuation and valorization into the broader framework of funding arts and culture. Value is measured idealistically and ideologically, and social as well as aesthetic, moral and political contexts and convictions contribute

---

[3] All quotes were culled from the Lists of States Parties on the website of UNESCO Culture Sector – Intangible Heritage: http://www.unesco.org/culture/ich/index.php?lg=en&pg=00559 <accessed January 11, 2014>.

to value judgments. But within a marketplace where such value has to endure, there is the need for capital – hence sponsorship or patronage. I begin with two examples illustrating what I term diversifying of value distinctions: Markets for art and entertainment as well as consumers contribute to a shift in the distinctions of high and low, arcane and popular cultures. From there I will turn to a brief characterization of patronage's history. These first two sections provide a basis for assessing the breadth of actors and groups seeking sponsorship and the mechanisms at play to assess value and decide for allocating funds. The contribution then concludes with observations on the heritage regime's potential impact on communities of sponsors.

2   Diversifying Value Scales: Two Examples

After UNESCO's decision to welcome the "Gastronomic Meal of the French" onto the List of Intangible Cultural Heritage in 2010, the German weekly *Die Zeit* published this headline: "The World as Museum"; the subtitle read as follows: "UNESCO now also protects French cuisine. Perhaps our life in its totality should become world cultural heritage?"[4] Journalist Ijoma Mangold observed with some irony how nations and communities eagerly construct lists from healing knowledge and art to endangered dialects. To him, the bureaucratic ministrations of UNESCO transformed "everything that makes life worth living" and all things that "have their own dignity" into a big mail-order catalogue at the ratio of 1:1. Mangold invoked the catalogue distributed by Manufactum, a German mail-order business carrying the slogan "they are still available, the good old things."[5] He connects heritage making with marketing cultural expressions to those with both upper class tastes and a hankering for things traditional and handmade. Upper class fascination with the handmade and traditional has, of course, a thick history since the 19th century. It has contributed to the foundation of museums and academic disciplines preoccupied with documenting and collecting the "old way of life,"[6] and is intertwined with earlier regimes of cultural protection (Bendix, Eggert and Peselmann 2013: 17–18). Bauman and Briggs (2003) have rightly argued that in the effort to point to folk and later ethnic difference, elite discourse has contributed to and solidified social and political inequality. Journalist Mangold, however, points to perceptible changes: The selection of difference from folk to ethnic to indigenous,

---

[4] "Die Unesco schützt jetzt auch noch die französische Küche. Vielleicht sollte unser Leben insgesamt Weltkulturerbe werden?" Ijorna Mangold: "Die Welt als Museum", 27.11.2010: http://www.zeit.de/2010/48/Kulturerbe-Franz-Essen <accessed January 15, 2014>.

[5] Cf. the catalogue site: http://www.manufactum.de/home.html <accessed January 15, 2014>.

[6] The scholarship on this history is legion, some of it can be grouped with the anxieties of modernity and the discourses on folklore and authenticity (Bendix 1997); other components involve what Robert Cantwell has termed "ethnomimesis" as that which is at work in preserving and staging the purported folk (1993).

marginal, aboriginal, subcultural and so forth has gotten so broad, that the categories congeal into a vast sameness. Mangold is perhaps not just frustrated with the stranglehold of the heritage paradigm, but with the shifting ground of distinctions and the lack of clarity as to who has the authority, standing and expertise to make pronouncements over canons of cultural expressions.

A second example is manifest in movie theaters all over the world. For the past few years, New York's Metropolitan Opera has offered live broadcasts of its performances in movie theaters. In the case of the German midsize city Göttingen, a ticket costs between 29 and 35 Euros per showing, a wardrobe service is provided (but of course not for the movies that show simultaneously in this cinema complex). During the intermission, champagne and wine, juice and fresh pretzels are on offer for the opera viewers who can, of course, also amble further down the hall and purchase popcorn, ice cream and soda. A cartoon in the New Yorker captured the hybridization of entertainments and associated foods perfectly: A hotdog seller marches through the rows of seats during an opera performance, and one of the viewers says to his female companion: "There's no frank like an opera frank."[7] The hotdog is making its way from the sports stadium to the plush theater, the opera is spreading into the palace of popcorn. What once was a clear movement up and down the social ladder appears more like an ever more exchangeable smorgasbord of choices.

Based on empirical evidence from the late 1950s and 60s, Pierre Bourdieu (1984) asserted a clear association of taste and lifestyle with economic, cultural and social capital. In the intervening decades, economic disparities may have grown larger, but cultural taste may no longer be a means to measure them. In the course of the past years, other beleaguered concert halls and symphonies, as well as ballet companies and even museums have taken to offer shows via movie theaters. They seek to broaden their audience and earnings, but they also fight to maintain a place among the plethora of entertainments available across media and screens ranging from television to computers, tablets and cell phones. Live broadcasts have been part and parcel of radio programs practically since the first radios were developed, and a further line of argument could be introduced here on the role of mass media and media technology in bringing about a globalized, perhaps more democratic appreciation of the arts and a corresponding lessening of the hold of historically grown canons of high culture.[8] Here, I will stay with the role sponsorship plays in the overall dynamic of establishing and shifting values accorded to cultural expressions.

---

[7] The New Yorker, April 14, 2014, p. 54, cartoon by Walsh.

[8] I will not pursue here Theodor Adorno's arguments regarding culture and value, tied into his critique of the culture industry (e.g. 1963), nor the efforts within popular culture studies and media studies, to clarify the distinctions between taste and value cultures (e.g. Hecken 2012). But clearly, the creative industries' interests and the interests transported through patronage are ever more difficult to disentangle.

I used the example of opera to illustrate how an art form born of royal patronage and up to the early 20th century firmly entrenched in upper class taste – along with ballet and art museums a key example of high culture – raises revenue in the palaces of popular culture.[9] Even the patrons and sponsors of the capitalist era – oil and car companies – are not giving sufficiently to maintain the art form. Apparently, the community of patrons has had increasing reason to give not simply to individual artists or institutions but to the preservation of all kinds of heritages. In the process high cultural art forms such as opera and ballet mutate increasingly into endangered heritage – historically grounded art forms in search of resources and audiences.

These two quite different examples offer opportunity to reflect on what kinds of broader political and economic transformations might be discernible in the overwhelming drive to select and protect that is evident in the heritage dynamic. Aesthetic productions such as opera and ballet could once rely on patrons; heritage making is one among several forces that pushes these elite arts to seek alternate forms of economic support and to participate simultaneously in the competition for patrimonial status.[10] In most states, the public budget for "arts and culture" is small to vanishing from the federal down to regional and local levels. Work and social services, defense, traffic, public works and urban development, health, education and research are the top items in a state budget; the arts always have to seek private support to be able to sustain themselves. A category such as heritage brings further competition as well as confusion: Actors can appeal to artistic, enriching qualities in their support of heritage both in its material and immaterial guise. In addition, however, they can invoke the significance of regional, national and global reach and thus emphasize the political relevance of nominating and maintaining heritage, and both are costly. Heritage promoters thus increase the competition for scarce public and volatile private sponsorship.

3   Patronage – its Impact on Aesthetic Value and Taste

Gaius Cilnius Maecenas lived in the first century B.C. and was simultaneously so prominent as advisor to Augustus and as a sponsor of the arts that his name has become a technical term for private sponsorship to this date. He extended patronage to young artists such as Vergil or Horace, and given his political association,

---

[9] This is not to say that operas and particularly operettas were not also appreciated by other social classes – the very presence of cheaper seating and standing room viewing options, albeit far above the stage and hence making it hard to see details of decor and dress, reminds of the appeal of the form. The social dynamic of opera and operetta appreciation is quite complex and needs to be considered within the specifics of historical contexts which in turn assists in understanding the decline of audience numbers (Honigsheim 1979: 91–95; cf. also Csáki 1998).

[10] Italian opera singers are presently collecting signatures to nominate Italian Lyric Opera on the UNESCO list: http://semprelibera.altervista.org/segnalazioni/petizione-allunesco-per-il-riconoscimento-dellopera-lirica-italiana-come-patrimonio-dellumanita/ <accessed August 11, 2014>.

such patronage also offered a certain degree of closeness to the ruling class. Lorenzo I. di Medici, unfolding his power in the second half of the 15th century, combined indirect influence or sponsorship in politics with patronage of artists. During his time, artists such as Leonardo da Vinci gave to Florence of their skill and vision. The flourishing of the arts through the Medici court has received art historical attention early on – not least because of the republican rather than monarchical political base (Thomas 2000). Examining Giotto's life and work two centuries prior, Julian Gardner (2011) recognizes in the painter's work evidence of the interaction between Giotto and different sets of patrons he served.

One could mention countless other cases where through the patronage of architects, sculptors, musicians, ballet masters and so forth a shaping took place of the built environment, artistic performance traditions and the public sphere as it is marked by artistry at large.[11] The power of patrons to imprint their aesthetic preferences on a given socio-spatial realm accounts for the emergence of Culture with capital-C and for the long lasting distinctions between high and low arts. The intermeshing of artists and patrons was recognized already in the 19th century as an important area of study, when scholars called for systematic attention to how tastes in art and architecture took shape through the will and resources of patrons (McDonald 1973: 1). There was always a considerable impact on communities through the predilections of individual patrons. The cityscapes of Florence and Agra, Bangkok and Sydney would not be the same without the influential resources and tastes of particular patrons and investors. In an extension of UNESCO language, one could argue that generations of inhabitants of such cities have been enculturated into specific spatial-artistic experiences and continue to live also with the economic opportunities deriving from the relationships of medieval to early modern, colonial to postcolonial patrons and their preferred artists.[12]

Earlier histories of patronage often focus on particular individuals and eras, intrigued by the power and importance of collecting, especially during times before there were museums and "systematic state-based custodianship of art" (Sachs 1971: 9). Individual patrons occasionally had close relationships to individual artists and in the process gave opportunity to the unfolding of a given artist's creativity, a pattern well established for medieval court poets encouraged to praise their benefactors' deeds (Burgess 1981). What is most relevant, though, for establishing a comparative view from earlier forms of patronage to present day mixtures of patrons, sponsors, and public support, is insight into the socio-political dynamic that engenders the flowering of particular types of arts and culture. In his scrutiny of cases of medieval literary patronage, William C. McDonald concludes that "one of the most important forms patronage may take is the creation of an atmosphere

---

[11] Cf. e.g. Oevermann, Süßmann and Tauber (2007).
[12] Tim Edensor's study of tourism at the Taj Mahal would certainly confirm this (1998); Davis and Marvin's assessment of Venitian tourism is more differentiated but also invokes this dimension (2004).

conducive to a literary flowering. This may be a time of relative calm […], but can also be an era of struggle and feverish political activity" (1973: 193). As of the second half of the 20th century, we have been living in an atmosphere conducive to "heritage flowering" with UNESCO mobilizing rhetorical conviction to engender public and private support to nominate, protect and preserve.

Studies scrutinizing particular patronage cases from early modernity up to the 20th century find an increase in the intertwining of individual patrons and state or communal leadership in the channeling of donations for aesthetic projects. Representatives of a growing bourgeoisie, for instance in Germany, formed art associations and founded museums; they engaged jointly and for the benefit of civil society in sponsorship – which simultaneously also enhanced their personal status (Frey 1999). Stephen Pielhoff goes as far as to accord the most powerful role to intermediaries – individuals who convinced potential patrons to bestow gifts particularly for urban architectural and monumental projects; here, the recognition bestowed on artists through patronage found its parallel in the recognition sought by patrons for their gifts to civil society (2007: 29).[13] Pielhoff's attention to historical and political contexts helps to account not just for successes and failures in urban aesthetic projects, but also for different models in the negotiation and mixing of private patronage and public resources that emerges ever more strongly in the 19th and 20th centuries. In the course of time, legal parameters further shaped and limited not just the extent of giving but also constrained individual patrons in exerting their taste and might (Mai and Paret 1993).

This dynamic, of course, concerns primarily tangible artifacts, but I would argue that the long history of living amongst buildings and sculptures generated in feudal and monarchical systems brought forth intangible sentiment, a sense of appreciation which would be necessary to extend the impact of private patronage into public preservation and restoration. The passage from a monarchical to a bourgeois-capitalist system also gave little time for reflection on what it means to preserve structures built through agents of former regimes. The bourgeois artistic taste seamlessly incorporated layers of older aesthetics. Communism broke this lineage, and did not accept past capital-C Culture as natural heritage. The horror that Western states felt at the destruction of tsarist and Christian orthodox edifices and arts during the Soviet era exemplifies, however, some of the taken for granted heritage status of such works; the destruction of many Soviet-era sculptures and edifices post 1989 in turn spells out the displeasure at state-sponsored, communist art and heritage construction and affirms the apparent attraction of non-communal, patronage-sponsored artistry within the capitalist realm.

A peculiar case in point is the long discussion in reunited Berlin regarding the reconstruction of the city castle, damaged during WWII, torn down during the GDR era where instead the Palace of the Republic was erected, a communist ad-

---

[13] Pielhoff works with sociologist Axel Honneth's theory of recognition; cf. Stefan Groth's contribution in this volume for an application of this theory in the heritage dynamic.

ministrative building which was in turn torn down in 2007–2008 and now the city plans to reconstruct the castle – a discursive battle that was analyzed trenchantly by Beate Binder (2009).[14]

This brief historical sketch aimed to illustrate how preservation and protection firmed up incrementally to become a further goal for sponsorship or patronage. The preservationist impulse began with the maintenance of material culture of the upper classes, before it turned toward the preservation of folk culture through the efforts of homeland protection associations, the founding of open air museums and similar initiatives.[15] As the value of past cultural manifestations increased, patrons had more opportunities to decide which aesthetic forms they wished to support: those representing the creativity and aesthetics of the past or those of the present and future. Naturally, this was the result of major shifts in political systems; still, one might give some thought to understand why preservation is so powerful an impulse within democracies, why democratic citizenries are eager to maintain, indeed pay for the maintenance of the splendors of their former suppressors (cf. Bendix 2000).

If patrons were once publicly known, individual actors putting their imprint on a city or region, at present we face a more complex structuring of the financing of the arts. On the one hand, artists are expected to prove themselves in the market for creative goods. On the other hand there are also generally limited public funds as well as foundations engaged in more or less competitive ways of selecting whom and what they will support. But there are also still patrons, ranging from individuals to institutions such as banks or industries that bestow some of their capital on the arts, potentially profiting in the process also from a tax write-off (or forming a tax-exempt foundation for this very purpose). Artists in turn may opt to form associations that accept charitable donations – granting the donors tax write-offs for their generosity. There are thus certainly more actors involved in supporting and shaping a public sphere of art, as well as more democratic possibilities for individuals of widely divergent income and social status to participate in such sponsorship. Patronage can safely be called a cultural practice, and research on shifts in art patronage, sponsorship and investment both historically and comparatively across the globe would seem to be an open field. It would certainly assist in understanding the place that safeguarding heritage occupies within this dynamic. It would also clarify the shifts in communities of patrons over time and from local to global settings and networks.

---

[14] Not enough is known of what was dismantled in Maoist China, and China at present is restoring or reconstructing some structures in order to participate in the opportunities and the prestige presented by heritage lists. Caroline Bodolec's contribution at the last of our three Vigoni workshops presented a number of case studies on this; unfortunately she was not able to prepare a chapter for this volume.

[15] And, not to forget, a first impetus to imitate and then preserve folk housing came from the aristocracy as well, with the *Hameau de la Reine*, a village imitation built next to Versailles and given the Marie Antoinette in 1774 as a place to relax from courtly norms.

4   Growing Choices for Sponsorship

The documentation and preservation of a cultural category such as Intangible Cultural Heritage offers opportunities for patronage or sponsorship beyond historically established and continually practiced types of arts. Heritage has been added into the spectrum of what is considered "valuable culture" and hence also culture worthy of investment. In English language discourse, highly valued art forms have been referred to, as stated above, as Culture with a big C, tracing their provenience often to royal courts and accruing value not least from a long history of upper class or bourgeois appreciation in contrast to vernacular, lower class arts.[16] As public financial support for cultural activity through taxation has been notoriously low, the need to find patrons or sponsors has always been present.[17]

There were, not least due to the forces of nation building, also some resources flowing into preservation of folk and ethnic culture. But comparing the private and public funds flowing into Culture through the building, for instance, of museums and collections, national theaters and opera houses, to the resources available for the preservation of culture with a small c, the tip of the scales was on the side of Culture – not least because small-c culture was considered to be just there, it had not yet become a marked and market category; if anything, small-c culture was for a long time considered vile and unrefined, something to be eradicated or improved upon. In the late 19th century, but particularly as of the second half of the 20th century there were and are more resources flowing into vernacular cultures. We know the reasons for this, and need not dwell on them extensively here: They range from decolonization and postcolonial claims, as well as global migration and heterogenization supported by what Jean-Louis Tornatore has called "Anthropology's Payback" (2013). What is of interest to me here is the distribution of financial resources resulting from the shifting motivation of actors. They range from individual patrons to local institutions, nation states and international organizations and have to deliberate where their limited funds should best go in the broad expanses of culture and Culture.

---

[16] Pierre Bourdieu offered a reading of class based art appreciation in his *The Love of Art* from 1969 (1991). In German, one refers to the segment of valued cultural expressions ranging from literature to all the arts as *Kultur* – and entailed in this is furthermore the assumption that such high culture also denotes the desirable refinements within civil society and introducing anthropological dimensions of the culture concept is thus all the more complex (Lindner 2003).

[17] Industrialization has brought forth mass produced art forms which added further complexity to the discourses on culture and value. The present chapter touches at best marginally on the role and debates about mass or popular culture, not least because their commercial base does not require patronage. However, as popular culture ages, it of course also enters into historicizing value practices, generates museum exhibits and the like and thus is indeed also vying for funds from the limited pool of resources for "arts and culture." Recent research has sought to rectify earlier critiques of mass culture as a capitalist means of flattening taste and dumbing down of helpless consumers. Kaspar Maase has carefully examined the politics of taste and class that contributed to scales of value (Maase 2001, 2011). Research on the popular, in particular popular seriality, has convincingly focused on active reception of popular art forms and hence enabled a view onto creative processes and how they are valued in the intersection of commercial and vernacular practices (Jenkins 1992, 2006; Kelleter 2012).

To put the argument into a schematic and thus overstated form: Throughout early modernity, patronage defined, remained with and thus solidified Culture. With the rise of national interest in preserving remnants of the vernacular past there is also support for initiatives in the realm of culture.

Behind this there are ideological shifts that would require further elaboration. Roughly stated, one might argue that there are three overlapping eras of patronage: A medieval to early modern paradigm utilized the aesthetic power of the arts as an imprimatur for a particular political reign or court. Artistic skill and innovation thus received patronage. During an early nationalist paradigm, there was also support for the protection from innovation: The continuity and presumed lack of change in folk and ethnic traditions was considered a powerful resource for the growing idea of the nation state and thus worthy of sponsorship. This brought about a split of expenditures between the continued patronage of innovative, skilled, individual genius and more state-sponsored support to preserve and protect worthy cultural forms. A late modern paradigm, finally, sees all aesthetic expressions as a resource and provides support depending on what the sociopolitical goal of patrons and creators might be. Economically, we have arrived at this heterogeneous stage, but politically, this is in most cases not what can be expressed openly.

What is the impact of such shifts in sponsorship needs? I would argue that practices that once were constitutive of Culture, prestigious and innovative, find themselves successively integrated in the spectrum of practices requiring preservation. Expressive forms such as opera and ballet – not least through the global comparison enabled by UNESCO lists – have in the course of time become "traditional" much like the Cambodian royal ballet or the Peking opera (both on the Intangible Heritage List). Formerly sacrosanct, these arts now have to compete ever more in the broader sponsorship market, as the competition from the realm of small-c culture has grown enormously. Patronage – or individual sponsorship – remains important, but potential patrons have various options. They may gain prestige from sponsoring creativity, art, or aesthetic innovation, but they may also be inclined to let their resources flow into preservation, in order to participate where the action is. Patrons enable others, but their patronage reflects back on themselves and provides them with social and political capital.

Under the UNESCO mantle, heritage listings have become an arena of high prestige, and they are one among many factors contributing to the multiplication of cultures vying for both valuation and valorization (Kirshenblatt-Gimblett 2006: 189–191). Whether folk or ethnic, tribal, indigenous or fusion, outsider art or classic Western high arts: They all need state and private support, they all work in one way or another with the market. Within this global dynamic, a continued separation into low and high arts and low and high cultural creativity would appear misguided – if it were not for the power of historically established discourses of value. Aesthetic practices emerge(d) within a given time and place as well as social

context, and of course there are experts able to identify, date and historically contextualize a given craft or practice. It is such expert and/or old and new political discourses coupled with issues of abundance and scarcity that regulate the value of aesthetic practices. What has changed, however, is the number of communities and associated experts seeking support, be this public funds or private patronage.

The increase of expenditure for preservation is fostered and accompanied by a legitimating discourse. A habitualized bourgeois aesthetic taste for Culture has been joined by taste regimes encouraging the preservation and maintenance of small-c cultures of folk, ethnic, tribal, and indigenous communities and histories.[18] The intent of such burgeoning discourses is to democratize value criteria – and by extension the access to sponsorship. The multiplicity of claims brings with it – naturally – governance efforts which in turn generate bureaucracy and hierarchy. This is particularly visible in the heritage field, where actors seeking to compile a nomination dossier confront the need to confirm and document – drawing on certified expertise – every criterion that supports an item's value. Yet similar mechanisms are visible in any city council that needs to deliberate which arts initiatives are deserving of a bit of the already small budget set aside for arts and culture.

Heritage regimes, I would argue, tell us a great deal about the shifting value of culture, particularly its tangible and intangible aesthetic dimensions. But I would also argue that understanding heritage regimes within the broader complex of cultural sponsorship and within the history of patronage elucidates the resource nature of culture.

5   Conclusion: Actors, Resources, Impact

Placing the sponsoring of heritage preservation within the broader matrix of cultural sponsorship allows one to see the resource nature of culture particularly well. If we look at the history of patronage and sponsorship, we see the continued entanglement of aesthetic, political and economic value potential. To accumulate value and unfold impact, the resource requires sponsorship. Over time, there have been differently composed communities of patrons recognizing the power of this resource in shaping a polity. It is a community that is linked at best through competition: Individual patrons or sponsors recognize each other's financial and political position and their respective capacity to have an impact on the artistic public sphere.[19] Again, we can note that heritage-making is but one kind of selection and

---

[18] Pierre Bourdieu's empirical study (1984) deconstructed aesthetic taste and its enduring power to express and enact distinction between social classes; while the study has not put an end to such distinction, its transfer in bits and pieces into the public sphere likely has contributed to the increase in aesthetic cultures asserting their claims for broader acceptance.

[19] The newest form of (not only) arts and culture sponsorship is "crowd funding;" it emerged in the first decade of the 21st century as an internet-based form of raising funds for initiatives, competing with other worthy endeavors to attract patrons. There is already a huge diversity of crowd funding mechanisms, ranging from kickstarter to credit-based to philanthropic versions (cf. Dresner 2014).

certification process within this arena of cultural resource development and preservation, but we ought to ask why it is appealing today and attracting many patrons.

Among heritage patrons, UNESCO is certainly the most prominent, although not the most economically potent – UNESCO can funnel sponsors but is itself an under-endowed agency. Patronage is an interventionist practice – but its goals are not always so clear cut, as aesthetic appeal and the relationship between patron and client mix with the political potential of works of architecture and art.

Crucial to reflect for both UNESCO and for heritage specialists on the ground is the fact that heritage policies are embedded in the broader practices of cultural sponsorship. These have a history, both local and national, individual and global.

The impact of UNESCO's heritage interventions ought to be reflected further within these parameters. Sponsoring and protecting are twin engines in generating cultural value. While it is groups, communities or entire polities that may come to share and traditionalize such values in the course of a given local history, there are communities of patrons, overlapping with or separate from those sharing in such cultural resources that have and continue to play a major role in bringing about and/or preserving such cultural flowering. With all its efforts to coordinate and democratize this process, UNESCO is nonetheless also dependent on the patronage-dynamic on the local and state level. What benefits do heritage investors reap vis-à-vis patrons of performing arts or sponsors of literature festivals? What established and which newly created policies are there in a given state that encourages patronage and ease tax burdens? Questions such as these are important to pursue not least because they integrate heritage in a broader socio-economic and political matrix of bestowing value on particular aspects of culture.

References

Adorno, Theodor (1963): Eingriffe: Neun kritische Modelle. Frankfurt am Main: Suhrkamp.

Bauman, Richard and Charles L. Briggs (2003): Voices of Modernity: Language Ideologies and the Politics of Inequality. Cambridge: Cambridge University Press.

Bendix, Regina F. (1997): In Search of Authenticity. The Formation of Folklore Studies. Madison: University of Wisconsin Press.

– (2000): Heredity, Hybridity and Heritage from one Fin-de-Siècle to the Next. *In* Folklore, Heritage Politics and Ethnic Diversity. A Festschrift for Barbro Klein. Pertti J. Anttonen, ed. Pp. 37–54. Botkyrka: Multicultural Center.

Bendix, Regina F., Aditya Eggert, and Arnika Peselmann (2013): Introduction. *In* Heritage Regimes and the State. Regina F. Bendix, Aditya Eggert and Arnika Peselmann, eds. Pp. 11–20. Göttingen: Göttingen Universitätsverlag.

Binder, Beate (2009): Streitfall Stadtmitte: Der Berliner Schlossplatz. Köln: Böhlau.

Bourdieu, Pierre (1991) [1969]: The Love of Art. European Art Museums and Their Public. Translated by C. Beattie and N. Merriman. Cambridge: Polity Press.

– (1984): Distinction. A Social Critique of the Judgment of Taste. Translated by Richard Nice. Cambridge: Harvard University Press.

Burgess, Glyn S., ed. (1981): Court and Poet. Selected Proceedings of the Third Congress of the International Courtly Literature Society. Liverpool: Cairns.

Cantwell, Robert (1993): Ethnomimesis. Folklore and the Representation of Culture. Chapel Hill: University of North Carolina Press.

Clifford, James (1988): The Predicament of Culture. Twentieth-Century Ethnography, Literature, and Art. Cambridge: Harvard University Press.

Csáki, Moritz (1998): Ideologie der Operette und Wiener Moderne. Ein kulturhistorischer Essay zur österreichischen Identität. Wien: Böhlau.

Davis, Robert C., and Garry R. Marvin (2004): Venice, the Tourist Maze. A Cultural Critique of the World's Most Touristed City. Berkeley: University of California Press.

De Cesari, Chiara (2010): Creative Heritage: Palestinian Heritage NGOs and Defiant Arts of Government. American Anthropologist 112: 625–637.

Dresner, Steven (2014): Crowdfunding: A Guide to Raising Capital on the Internet. Hoboken: Wiley.

Edensor, Tim (1998): Tourists at the Taj. London: Routledge.

Frey, Michael (1999): Macht und Moral des Schenkens – Staat und bürgerliche Mäzene vom späten 18. Jahrhundert bis zur Gegenwart. Berlin: Fannei & Walz.

Gardner, Julian (2011): Giotto and His Publics. Three Paradigms of Patronage. Cambridge: Harvard University Press.

Hafstein, Valdimar Tr. (2009): Intangible Heritage as a List. *In* Intangible Heritage. Laurajane Smith and Natsuko Akagawa, eds. Pp. 93–111. London: Routledge.

Hecken, Thomas (2012): Pop-Konzepte der Gegenwart. In: POP, Kultur und Kritik 1: 88–107.

Honigsheim, Paul (1979): Music and Society, the Later Writings of Paul Honigsheim. New York: R.E. Krieger.

Jenkins, Henry (1992): Textual Poachers: Television Fans and Participatory Culture. New York: Routledge.

– (2006): Convergence Culture: Where Old and New Media Collide. New Orks: New York University Press.

Kelleter, Frank, ed. (2012): Populäre Serialität: Narration – Evolution – Distinktion. Zum seriellen Erzählen seit dem 19. Jahrhundert. Bielefeld: transcript.

Kirshenblatt-Gimblett, Barbara (2006): World Heritage and Cultural Economics. *In* Museum Frictions. Public Cultures/Global Transformations. Ivan Karp et al., eds. Pp. 161–202. Durham: Duke University Press.

Lindner, Rolf (2003): Konjunktur und Krise des Kulturkonzepts. *In* Kulturwissenschaften. Forschung – Praxis – Positionen. Lutz Musner and Gotthart Wunberg, eds. Pp. 75–95. Freiburg: Rombach.

Maase, Kaspar (2001). Prädikat wertlos: der lange Streit um Schmutz und Schund. Tübingen: Tübinger Vereinigung für Volkskunde.

– (2011): Das Recht der Gewöhnlichkeit: über populäre Kultur. Tübingen: Tübinger Vereinigung für Volkskunde.

Mai, Ekkehard, and Peter Paret, eds. (1993): Sammler, Stifter und Museen – Kunstförderung in Deutschland im 19. und 20. Jahrhundert. Wien: Böhlau.

McDonald, William C. with collaboration of Ulrich Goebel (1973): German Medieval Literary Patronage from Charlemagne to Maximilian I. A Critical Commentary with Special Emphasis on Imperial Promotion of Literature. Amsterdam: Rodopi NV.

Noyes, Dorothy (2003): Group. *In* Eight Words for the Study of Expressive Culture. Burt Feintuch, ed. Pp. 7–41. Urbana: University of Illinois Press.

– (2006): The Judgment of Solomon: Global Protections for Tradition and the Problem of Community Ownership. Cultural Analysis 5: 27–56.

Oevermann, Ulrich, Johannes Süßmann, and Christine Tauber, eds. (2007): Die Kunst der Mächtigen und die Macht der Kunst. Untersuchungen zu Mäzenatentum und Kulturpatronage. Berlin: Akademie Verlag.

Pielhoff, Stephen (2007): Stifter und Anstifter: Vermittler zwischen "Zivilgesellschaft", Kommune und Staat im Kaiserreich. Göttingen: Vandenhoeck und Ruprecht.

Sachs, Hannelore (1971): Sammler und Mäzene. Zur Entwicklung des Kunstsammelns von der Antike bis zur Gegenwart. Leipzig: Koehler & Amelang.

Tauschek, Markus (2013): The Bureaucratic Texture of National Patrimonial Policies. *In* Heritage Regimes and the State. Regina F. Bendix, Aditya Eggert, and Arnika Peselmann, eds. Pp. 195–212. Göttingen: Universitätsverlag Göttingen.

Thomas, Anabel (2000): Fifteenth-century Florence and court culture under the Medici. *In* Courts, Patrons and Poets. Daniel Mateer, ed. Pp. 159–226. New Haven: Yale University Press.

Tornatore, Jean-Louis (2013): Anthropology's Pay Back: "The Gastronomic Meal of the French". The Ethnographic Elements of a Heritage Distinction. *In* Heritage Regimes and the State. Regina F. Bendix, Aditya Eggert, and Arnika Peselmann, eds. Pp. 341–365. Göttingen: Universitätsverlag Göttingen.

Reflections on Heritage Experts and Decision Makers

Polyphony vs. Monograph: The Problem of Participation in a French ICH Dossier

Nicolas Adell
University of Toulouse – Jean Jaurès (Le Mirail)

1   Introduction

It is no longer a novelty to point out that the ICH Convention is marked by con-tradictions.[1] It purports to promote cultural diversity, but does so by emphasizing unified heritage; it celebrates and registers ancient traditions, but requires such traditions to be in accordance with modern values.

Here lies the danger and the fallacy of the nice concept of "living heritage": There is a temptation to require ICH elements to change in a single direction. UNESCO admits that heritage is something living and constantly changing, but it cannot imagine that an element declines. Existence of a list of elements "in need of urgent safeguarding" is the best evidence that, in culture, nothing should disappear. UNESCO's concern for decline contradicts, maybe paradoxically, the idea of "living heritage". For UNESCO, change somehow means progress (though this word is forbidden in UNESCO's rhetoric). In the ICH Convention, heritage is "one in source, one in experience" as Lewis H. Morgan (1877: vi) would say – "it provides [communities and groups] with the sense of identity and continuity"[2]. Identity and continuity are two of the foremost values of modern society, and the Convention

---

[1] Among numerous works, see the recent essays of Anaïs Leblon (2012) and Marilena Alivizatou (2012). A first synthesis of the main contradictions in ICH was undertaken by Toshiyuki Kono (2009).

[2] Convention for the Safeguarding of Intangible Cultural Heritage, art. 2. See-http://www.unesco.org/culture/ich/index.php?lg=en&pg=00022 <accessed 5 May, 2014>.

adds a further component, evoking that heritage is 'one in progress' (toward modern values and ethics). Some readers will recognized Lewis H. Morgan's famous sentence drawn from the preface to his 'Ancient Society': "The history of the human race is one in source, one in experience, one in progress" (Morgan 1877: vi). The coat of cultural relativism worn by the Convention is too short to cover the shameful body of its evolutionism.

Such contradictions are clearly caused by the moral intentions of the Convention, which are made explicit therein. New members in some communities have to provide something as a certificate of good morality before being accepted (e.g., you have to be married, you have to be protestant, etc.). UNESCO asks, with a similar aim, for something like a "certificate of good heritagity". The 2003 Convention has established the criteria for such an issuance. This essay aims to show that. Moreover, I think UNESCO creates a phantasm: A heritage of humanity without humans, but with individuals who "participate".

In the implementation of a dossier for an ICH application, these tensions and contradictions assume another form, which is the opposition between polyphony and monograph. Implementing a dossier – in France at least, but, I am convinced, in other countries as well – involves leaving behind a polyphonic reality so as to produce a "monographic novel". In my experience, this is the defining feature of an ICH dossier.

Thus, what does the term "participating" mean for the ICH Convention, or more exactly for the ICH Convention as read by French institutions? It means making available (and sometimes simply visible), translating experiences, "unparticularizing" peculiarities, and "unthickening" thick situations. One understands why anthropologists feel at home in the ICH world.

2   A Case of an ICH Dossier: The *Tour de France* Journeymen

I want to try to explain how this process works in a specific case: the dossier of the *Tour de France* journeymen (*compagnonnage*), registered on the Representative List of ICH in 2010.[3] I should point out that I was one of the characters as well as one of the writers in this "monographic novel". Thus, this article may look like a confession, complete with a register of sins and regrets; and, no doubt, it is in a way. However, it is first and foremost an exercise in the reflexivity that all anthropologists need to engage in as part of their fieldwork. Such reflexivity or such a confession – I am not sure that it is possible to draw a distinction – is the best way to gain an overview of the processes and situations in which we are involved.

Before I begin, I have to mention some background information about *compagnonnage*. *Compagnonnage* is a kind of craftsmen's network that has its roots in the trade brotherhoods of 13th-century Europe. It has existed since at least the 15th

---

[3] For the history of *compagnonnage* and its relations to heritage prior to ICH registration, see Adell 2012.

century, but its actual forms and principles only appeared at the end of the 18th century in France. Nowadays, one also finds *compagnonnage* movements in Germany, Belgium, Denmark, and Switzerland. However, nowhere is it as important (in terms of the number of individuals, care for apprenticeship, and relations with the state) as it is in France.[4]

Broadly speaking, French *compagnonnage* involves almost 40,000 people, a quarter of whom constitute a core of permanent active members. The remainder (e.g. *stagiaires*, *apprentis*, *postulants*, *aspirants* - names vary according to the trade and the length of apprenticeship) are people who have benefited during their youth from the transmission of knowledge from qualified craftspeople, namely, the *compagnons*. Together, they comprise the *compagnonnage* society, which is divided into several groups. Among them, there are three main communities, each of whom has its own structure and sensibilities: the *Association Ouvrière des Compagnons du Devoir* (AOCD), the *Fédération Compagnonnique des Métiers du Bâtiment* (FCMB) and the *Union Compagnonnique des Devoirs Unis* (UC). Each of these groups is highly structured and organized around a network of lodges, located mostly in metropolitan France, but also in Switzerland and Belgium.

AOCD represents 27 trades and has more than 20,000 members. This is the most highly structured group and the privileged interlocutor of the public authorities. FCMB has approximately 15,000 members, who are divided into a dozen corporations. Unlike the highly centralized AOCD, the FCMB's organization is federal. Over time, this structure has become more complex, especially for the topic that we are interested in here, namely, the decision-making process. Finally, UC has about 5,000 members and brings together over 130 trades. Most of these trades are represented by one or two *compagnons* and belong to the institutional category *Métiers d'Art* (fine arts). Thus, it is quite obvious that each of these groups has its own interpretation of what an application for inclusion on the ICH Representative List has to be and to involve. I have not mentioned splinter groups of journeymen, some of which sometimes have as few as ten or twenty members. These smaller groups were not involved in the application process, as some of the main organizations contested their legitimacy to hold the title of *compagnons*. As we shall see, this was one of the crucial issues in this nomination from the point of view of the communities.

In spite of these differences, *compagnonnage* groups share certain key values and principles that form the core of the application's dossier. Indeed, the *compagnonnage* is "a unique way of conveying knowledge and skills"[5] linked to the trades that work with stone, wood, metal, leather, textiles, and food. Its originality lies in its experimentation with and implementation of extremely varied methods and processes of

---

[4] For details, see Adell 2008.

[5] Unless otherwise specified, all quotations about *compagnonnage* and its application are drawn from the ICH dossier, available athttp://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00441 <accessed 5 May 2014>.

knowledge transmission: national and international educational travel (the *Tour de France* period), initiation rituals, school-based teaching, customary learning, and technical apprenticeship. The value ascribed to the transmission of knowledge forms the cornerstone of the movement's identity. The first "duty"[6] of a *compagnon* is to "re-transmit". Members are also connected by a powerful "chain of knowledge", which is reinforced by ritualistic practices (initiation rites) and a system of social organization based on the family model and revolving around an important and central figure known as the "Mother".

3   Part One: Searching for Polyphony

What about the dossier for the ICH Representative List, and, above all, what about participation? It is very interesting to see how the *compagnons* (or someone else, as we will see) completed item 4 of their dossier, entitled "Participation of communities, groups and individuals in the nomination process". This item starts as follows:

> Compagnons took a lively interest in intangible cultural heritage from an early date: a spontaneous application was even instituted by the Association Ouvrière des compagnons du Devoir as soon as France had ratified the Convention in 2006. This forms part of the debates that have been ongoing for several years on the concept of heritage, to which compagnon magazines have given voice. This framework has been continued and focused by holding working meetings run by the compagnons themselves, with the participation, on a consultative basis, of representatives of external bodies such as the University of Toulouse – Le Mirail (a meeting between the three compagnon groups and Nicolas Adell held in Toulouse in 2008, on January the 17 [sic]) and the Mission Ethnologie of the Ministry of Culture (working meetings in 2008, on April 1 and on June 11). Each of these steps has allowed the representatives of compagnon groups to complete the application file accurately, thanks firstly to regular exchanges among compagnon groups, and then between compagnon groups and academic consultants.[7]

This passage invites several questions. Firstly, who was writing here? That is the anthropologist, namely me. However, there were, in fact, two authors for this paragraph: myself in the first part, the representatives of the Ministry of Culture in the second. This reveals different conceptions of what participation means and implies.

---

[6] The complete title held by the members is *compagnons du Devoir* (literally, "journeymen of Duty").

[7] Intergovernmental Committee for The Safeguarding of Intangible Cultural Heritage, 5th session (Nairobi, Kenya, November 2010), Nomination File no. 00441: 11-12.
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00441 <accessed 5 May, 2014>.

For me, the best way to demonstrate the "participation" of the *compagnons* was to underline their "spontaneity", that is, their desire to be recognized as ICH without the intervention of any intermediaries, as expert as they were. For the Ministry of Culture (and its interpretation of UNESCO's interests), *per contra*, it was necessary to highlight the mediations, the contact points (by specifying places and dates). Thus, from the Ministry's point of view, "participation" actually means taking part in a top-down process. It is interesting to note that the spontaneous application, sent to the Ministry of Culture in 2007, had received no response.

Thus, what happened in the "meetings" mentioned at the beginning of item 4? Did we write the dossier? Did we have some discussions about the items, or about the ways of safeguarding a living heritage such as *compagnonnage*? Not at all. I now realize that there were three contrasting perspectives concerning these meetings.

Firstly, the Ministry's point of view: Meetings were "acts of participation", proof of consent and arguments for item 4 in the ICH dossier.

Secondly, the *compagnons*' point of view: Meetings were somehow opportunities to deal with their identity, with their commonalities, despite differences. Moreover, these meetings were for *compagnons* something simultaneously new and familiar. Indeed, the three main *compagnons* groups used to meet once a year, but it is impossible to know what went on during these sessions with any great certainty since such meetings are private. No *renards* (i.e. "foxes", the name given by the *compagnons* to people who are not *compagnons* but are close to them, such as young apprentices, craftsmen, … and anthropologists!) are permitted to attend. However, I doubt that the meetings deal with identity, collective culture or anything else in these fields. The leader of one of the main *compagnon* groups told me something very suggestive after our first meeting about the ICH application: "You've blown our cover!" (September 2008). For this occasion, no secrets were revealed; no initiation rites were described. The *compagnons* just told us about what *compagnonnage* is. I suspect that this was the first time that they had talked about *compagnonnage* in such an explicit fashion and in front of each other. Probably, "what *compagnonnage* is" belongs to "'culture' with quotation marks" (Carneiro da Cunha 2010), culture for the other, although meetings 'between' the *compagnon* groups deal with "culture without quotation marks", culture for the self, in which talking about "what *compagnonnage* is" is not necessary

Thirdly, my point of view, that is to say, the writer's point of view: My only concern was what I would take from such meetings to complete a concrete dossier that should reflect some cohesion and unity in order to present a "community". Something did not work with these meetings. Something was missing because there was a misunderstanding. All of us, including UNESCO (as represented by the ICH Convention), were aware of a polyphony, but not of the same polyphony. I contend that UNESCO, in order to satisfy its mandate of promoting cultural diversity, looked for external polyphony, that is, polyphony between ICH elements and not within the elements themselves. Its objective is really (and somehow naïvely) the production of cultural harmony under the rubric of heritage.

The Ministry of Culture sought a superficial polyphony, polyphony that gives the appearance of reality. Indeed, for the Ministry, it was important to show that the element had simply "popped up" from the field. The field – as everybody, including Ministry staff, is well aware – is never flat. Thus, there is a need for a kind of internal polyphony, but it must be very limited. It is not a real polyphony, but rather shades: cultural sharps and flats. Consequently, the real differences between the *compagnons* groups are minimized. The Ministry staff were convinced of the rightness of their approach because they had read a book written by a scholar named Nicolas Adell, who has industriously demonstrated the interest (and the necessity) of seeing the *compagnonnage* as a unity.

The *compagnons* understood very quickly that their internal differences, often so important that they lead to splits, must be watered down in order to be written on the same stave. This stave had to be created. Once upon a time a "monographic novel" was written for heritage reasons.

4   Part Two: Writing a Monographic Novel

In this section, I continue my examination of item 4, "Participation of communities", to highlight this process of creation. We now arrive at the very moment when we (I should say "I") put on the veneer of the polyphony required:

> Remarkably, the participation of compagnons has not been limited to the involvement of those compagnons who have a role to play by virtue of their institutional position (Presidents, First Councillors). Thanks to the production of a questionnaire on the links between the concept of cultural heritage and compagnonnage, and its distribution to all members of compagnons groups in the framework of the large national meetings that take place every year (Assizes, Congress, etc.), it has been possible to inform the whole compagnonscommunity of the intention to achieve nomination as intangible cultural heritage. A large number of compagnons (almost 600 for the AOCD, 250 for the FCMB, 150 for the UC) have thus been able, through written responses (several examples of which have been compiled in a combined volume at the request of the Secretariat in the 'Supplementary Information' section), to propose that, in their view, one of the particular courses of compagnonnage constitutes the specific character and identity of their community.[8]

Explanations are necessary here. I only had about forty of the 1,000 responses cited in my own hands, which were those specially selected for the Secretariat of UNESCO. Furthermore, the forty (supposedly different) responses were in fact

---

[8] Intergovernmental Committee for The Safeguarding of Intangible Cultural Heritage, 5th session (Nairobi, Kenya, November 2010), Nomination File no. 00441: 12.
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00441 <accessed 5 May, 2014>.

almost identical. I was so disappointed that I became angry: "Where is my polyphony?" I said to myself. I asked the *compagnons* whether there were any other responses. Two groups told me that there were not. The third (which I knew better than the other two), meanwhile, had not even completed the questionnaire, and explained through its leader's voice: "By accident, all of the two hundred and fifty responses were destroyed" (June 2009). It became quite obvious: I was not the one who wrote the monographic novel. The *compagnons* were creating for me what I was creating for UNESCO: a monographic novel presented as reality. Thus, without doubt because I was feeling that polyphonic reality was beginning to disappear, I needed to describe some concrete aspects of *compagnonnage*. At this time, I wanted to claim sincerely: "This is not a novel." I now realize that I had simply applied another veneer, a veneer of reality, by using a crude trick: a piece of storytelling, a fact taken out of its context. Here is the end of item 4:

> Beyond the diverse range of the suggestions and opinions, transmission of knowledge and solidarity (fraternity, mutual support, respect) between the generations have been developed with remarkable consistency in accordance with the modalities and unique terms (initiation, 'Work', songs, meals), concepts that form the heart of compagnons culture. For example, a compagnon cook writes: 'The specific nature of the organization is based on a daring ideal: to pass on traditional knowledge and expertise without betraying them when adapting to current and future technical developments. It could even be seen as avant-garde.'[9]

And I have concluded, cringingly: "What better evidence is there of a living tradition?"

5   Conclusion: Heritage with "Moraline"[10]

The passage above reveals a final complication in the polyphony-monograph dilemma. Internal polyphony, toned down even by the *compagnons* themselves, can be underlined and cited by UNESCO as evidence of sacrifice for a higher cause, specifically a moral cause (I am convinced that moral intentions are the main aims of the ICH project; see Adell 2011). However, the moral principles I am talking about are not "moraline-free" (Nietzsche 1974: 259) and may be quite problematic with regard to heritage, as the following example (from the *compagnonnage* nomination)

---

[9] Intergovernmental Committee for The Safeguarding of Intangible Cultural Heritage, 5th session (Nairobi, Kenya, November 2010), Nomination File no. 00441: 12.
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00441 <accessed 5 May, 2014>.

[10] This is a neologism suggested by Friedrich Nietzsche as a component of Christian morality (Nietzsche 1974: 259) and used also in French everyday speech, connoting an imaginary medicine given, for instance, to soldiers to fortify their conviction (cf. "moraline" in the French Wikimedia http://fr.wiktionary.org/wiki/moraline <accessed 16 March 2015>).

makes apparent: During the pre-application review by the Secretariat of the ICH Convention, the person in charge of the *compagnonnage*'s dossier in the Secretariat wished to draw the attention of the dossier's writers to

> the definition of intangible cultural heritage in the Convention which states that only the intangible cultural heritage will be taken into consideration which is in accordance with the international system relating to human rights. In this sense, I [namely Cecile Duvelle, in charge of the Secretariat] invite you to make clear that *compagnonnage* is in accordance with the various legal measures that prohibit discrimination in employment and training, including the Convention concerning Discrimination in respect of Employment and Occupation, adopted by the General Conference of the International Labour Organisation in 1958 (Convention 111). From my understanding, among the three networks of *compagnonnage*, there is only one that welcomes girls and this since 2000. Therefore, it seems to me important to demonstrate that *compagnonnage* is in accordance with the measures and the principles relating to human rights. (Letter of 30 November, 2009)

The Ministry of Culture, the *compagnons* and I were surprised that traditional elements, having a historical depth, were read to be in line with current legal prescriptions. Such requirements would be extremely problematic for several western and, in particular, non-western traditions. We were even more surprised because, by writing the dossier in a "monographic spirit" with *compagnons*, we had deliberately understated the differences between the *compagnon* groups on the subject of women. UNESCO's interest in internal polyphony is here quite peculiar. It does not permit one to see the differences or to stress accord and discord, but it allows one to choose the best voice, that is to say, the voice in accordance with moraline major, or, in the Secretariat's words, "in accordance with the measures and the principles relating to human rights".

What did we do? We gave UNESCO what it wanted. We explained that even though only one group admitted girls to the *compagnonnage* course, the other groups had been discussing this issue for several years. This was apparently sufficient for the Secretariat to feel that "human rights" were being respected. The issue of employment discrimination remains a contentious topic among *compagnons*.

A final question to conclude: Who is really benefiting from the crime? Not only the *compagnons*: They were waiting for more interest (from the government, society, etc.) and, at the very least (and more concretely), for the right to use UNESCO's logo on their documents and their houses. They had been asking for this since their registration on the ICH Representative List in 2010. Thus, in the intervening three years, the *compagnons*' feelings about ICH had vacillated between pride and disappointment. Finally, in autumn 2013, the creation of the Association of French ICH Elements granted each element the right to use the ICH Convention logo as part of their own emblems. Since then, *compagnons* of the main organizations have used it on all their documents.

Figure1: Certificate of registration on ICH Representative List for France. It was awarded, for ICH Convention's Secretariat, by the Commission Française pour le Patrimoine Cuturel Immatériel (i.e. ICH French Committee).

Figure 2: Emblem of the French ICH elements. Paragraph on the right indicates element's name.

Despite these recent developments, it strikes me that the true winner here was the anthropologist, along with national institutions such as the Ministry of Culture and the *Centre Français du Patrimoine Culturel Immatériel* (the French ICH Center). The anthropologist attained a new visibility for the Ministry of Culture (an important achievement, since the Ministry may fund research programs, namely *Métiers en patrimoine*), and, above all, he got a real and sincere acknowledgment from the *compagnon* groups, despite having always had a difficult relationship with them.

However, there is a price to pay: Participating in an ICH application is like entering a "terra del rimorso" (De Martino 1961) – deep remorse remains. There are only two possibilities to live with remorse, as Ernesto de Martino has shown:

Firstly, you can participate in rituals to control the remorse (e.g. meetings, celebrations for the registration). Secondly, you can leave the field for another; you can escape. This course of action may be undertaken in a positive sense, referred to as "thematic mobility" in research institutions. How many conversions to "Heritage Studies" are a result of such remorse? Probably a fairly large number. This, in my opinion, is one of the characteristics of this scientific field requiring public discussion.

References

Adell, Nicolas (2008): Des hommes de Devoir. Les compagnons du Tour de France (XVIIIe – XXe siècle). Paris: Editions de la Maison des sciences de l'homme.

– (2011): Patrimoine, éthique, identité. Ricerca Folklorica 64: 81–93.

– (2012): The French Journeymen Tradition. Convergence between French Heritage Traditions and UNESCO's 2003 Convention. *In* Heritage Regimes and the State. Regina F. Bendix, Aditya Eggert, and Arnika Peselmann, eds. Pp. 177–193. Göttingen: Universitätsverlag Göttingen.

Alivizatou, Marilena (2012): The Paradoxes of Intangible Heritage. *In* Safeguarding Intangible Cultural Heritage. Michelle L. Stefano, Peter Davis, and Gerard Corsane, eds. Pp. 9–22. Rochester/Woodbridge: Boydell Press.

Carneiro da Cunha, Manuela (2010): Savoirs traditionnels, droits intellectuels et dialectique de la culture. Paris: L'Eclat.

De Martino, Ernesto (1961): La terra del rimorso: Contributo a una storia religiosa del Sud. Milano: Il Saggiatore.

Kono, Toshiyuki (2009): Convention for the Safeguarding of Intangible Cultural Heritage: Unresolved Issues and Unanswered Questions. *In* Intangible Cultural Heritage and Intellectual Property: Communities, Cultural Diversity, and Sustainable Development. Toshiyuki Kono, ed. Pp. 3–9. Antwerp/Oxford/Portland: Intersentia.

Leblon, Anaïs (2012): A Policy of Intangible Cultural Heritage between Local Constraints and International Standards: "The Cultural Space of the *yaaral* and the *degal*". *In* Heritage Regimes and the State. Regina F. Bendix, Aditya Eggert, and Arnika Peselmann, eds. Pp. 97–120. Göttingen: Universitätsverlag Göttingen.

Morgan, Lewis Henry (1877): Ancient Society, or Researches in the Lines of Human Progress from Savagery, through Barbarism to Civilization. New York: Henry Holt and Company.

Nietzsche, Friedrich (1974): Oeuvres philosophiques complètes, vol. 8: Le cas Wagner – Crépuscule des Idoles – L'Antéchrist – Ecce Homo – Nietzsche contre Wagner. Translated by Jean-Claude Hémery. Paris: Gallimard.

UNESCO and Heritage Self-Determination: Negotiating Meaning in the Intergovernmental Committee for the Safeguarding of the ICH

Chiara Bortolotto
Institut interdisciplinaire d'anthropologie du contemporain, Paris

In the last decade UNESCO's heritage narratives have come under fire from scholars in the field of critical heritage studies, who regard them as the most prominent form of "authorised heritage discourse", or AHD, an institutional and academic framework that emphasises the material, monumental and aesthetic aspects of cultural expressions while attributing a dominant role to heritage experts. The AHD is regarded as problematic since it marginalises different understandings of heritage produced by subaltern communities or lay people and assesses the "authenticity" of their cultural expressions against criteria seen as objective by heritage professionals (Smith 2006).[1]

The UNESCO Convention for the safeguarding of the intangible cultural heritage (UNESCO 2003, hereafter "ICH Convention") challenges the aforementioned AHD, denounced as Eurocentric and colonialist, in two main respects. First, it globally legitimises a new heritage domain, inspired by longstanding Japanese and Korean heritage categories that depart from an understanding of heritage as monumental, built and "material". Second, it establishes the "participation" of "communities" as a key policy principle, disregarding authenticity as a criterion for heritage identification.

States' interest in the ICH convention during the first 10 years of its implementation demonstrates that expanding the domain of heritage to include "intangible" elements was relatively easy for UNESCO. As the secretary of the convention frequently boasts in official presentations, more than 150 states have endorsed this treaty in the last decade, with a rate of ratification unprecedented in UNESCO's history, and 317 elements have been inscribed on UNESCO's Intangible Cultural Heritage (ICH) lists to date. Yet, as a recent report by UNESCO's Internal Oversight Service stresses, the most awkward aspect of the ICH paradigm lies not with its "intangible" nature but rather with the participatory approach underpinning the convention:

> Although community participation is at the heart of the 2003 Convention, it has proven to be one of the most challenging aspects in its implementation. Community participation needs to be enhanced in many areas related to the implementation of the Convention, including in inventorying, in the elaboration of safeguarding programmes and projects, and in the preparation of nomination files. (UNESCO 2013: 9–10)

This paper focuses on the challenges and ambiguities of the participatory policy principle put forward by the ICH Convention, a principle deserving investigation as it brings to fore representation issues, thus making particularly explicit the political nature of heritage and its intimate connection with power. Indeed, several ethnographic explorations of the impact of UNESCO-driven ICH policies on the ground provide evidence that the principle of "participation" of "communities" is such policies' most controversial aspect. The difficulty in the application of this principle obviously depends on UNESCO's "heavily governmental" decision making, whereby ICH policies can "easily become overly state-dominated" (Blake 2013: 104) and can, despite their original intentions, promote national narratives reinforcing a state's control over its minorities, as, for instance, in Bahar Aykan's (2013) account of UNESCO's listing of the Turkish religious ritual *Semah,* practised by the Alevis heterodox Islamic sect.[2] This is one structural difficulty

---

[2] Aykan's Alevi interlocutors claim that the heritage designation of what they regard as a religious ritual rather than an element of heritage is a government strategy for cultural domination, as it integrates them into the Sunni-Muslim majority. The state prerogative to produce documentation that

associated with UNESCO's participatory aim, as it is extremely arduous for a governmental organisation to effectively transfer to non-state actors the prerogative for heritage selection and the authority that depends on it (Meskel 2013).

A more subtle ambiguity characterises community participation in heritage-policy implementation, namely its potential "perverse, subterranean elective affinity" with the neoliberal agenda. Nancy Fraser, writing of second-wave feminism, has described this as "a perspective aimed originally at transforming state power into a vehicle of citizen empowerment and social justice […] now used to legitimate marketization and state retrenchment" (Fraser 2009: 108, 112). Likewise, originally developed as a politically progressive, counter-hegemonic paradigm, whereby heritage was intended to serve as a site of political contestation, the participatory heritage governance promoted by UNESCO turns out to be an opaque move. This is what Dorothy Noyes (2011) has observed with regard to the UNESCO recognition of the Catalan festival of Patum. Here, the institutional structuring of participation by the local population has resulted in the domestication of popular contestation, which used to find expression during the Patum celebration, and the commodification of the festival, which ultimately distances the community therefrom. Finally, as Nicolas Adell's reflexive account of the elaboration of the nomination of *Compagnonnage* (this volume) makes clear, anthropologists play a role in the "participation" process because they often serve as go-betweens connecting "heritage bearers" and heritage institutions. It is on this particular issue, among the many puzzles associated with the ICH participatory paradigm, that I will concentrate in this article, as this is at once a major policy concern for heritage institutions and a pressing methodological and ethical matter for anthropologists. Indeed, as it deals with the archetypal subjects of anthropological research, the field of ICH policies is especially challenging and unsettling for anthropologists. The UNESCO definition of ICH – as comprising practices, representations, expressions, knowledge and skills transmitted from generation to generation and constantly recreated – overlaps in fact with the definition of culture that anthropologists have been reformulating since the nineteenth century (Tylor 1871), and on which they have staked their scientific authority (Kuper 1999). This overlapping creates an extremely thought-provoking situation in which we anthropologists assume different roles: in the capacity of experts in the domains that UNESCO aims to safeguard, we participate in the implementation of relevant policies at local, national and international levels (Kuutma 2007); as ethnographers specialising in the socio-cultural life of particular local communities, we witness and critically assess the social, cultural, economic and political impact of the UNESCO label (Tauschek 2010); and as distanced critical observers, we study the making of global policies in the international arena (Hafestein 2004; Groth 2012). Often these roles

---

proves to UNESCO the participation and consent of the "communities concerned" has, in their view, allowed the promoters of the nomination to manipulate their opinion and their will.

are not mutually exclusive. This is certainly the case for my own work. As pointed out on several occasions in this paper, I chose to explore the establishment and implementation of ICH policies across the scales of global governance while reflexively and critically engaging with them and "negotiating some kind of involvement beyond the distanced role of ethnographer" (Marcus 1997: 100). This multiscale, collaborative and reflexive approach aims at investigating a complex global policy field against the backdrop of changing circumstances of anthropological research. At the same time, this methodological choice puts me in the difficult position of being both an agent in and an observer of the implementation of ICH policies. This uncomfortable situation complicates the relationship between the discipline of anthropology, which scientifically investigates cultural transmission, and the policy field regulating this process. For these reasons, my position itself deserves critical assessment.

Based on ethnographic observation of the institutional debate within UNESCO's Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (hereafter "ICH Committee"), my paper aims at exploring the conundrums of "participation" by analysing the ambiguous role attributed in this context to anthropological expertise. My objective is to provide a complementary exploration to that undertaken at local levels by considering a controversy that came to the fore during a meeting of the ICH Committee, surrounding an object of mediation submitted by "heritage bearers" living in the Peruvian Amazon to the Parisian headquarters of the international organisation.

1   From the Peruvian Amazon to the Bali International Convention Centre: A Huachipaire arrow at the ICH Committee

ICH Committee[3] sessions are extraordinary circumstances for ethnographic observation,[4] recalling situations that have been thoroughly investigated in classic ethnographic research while upsetting the "comfort zone" of the anthropologist. Seen through the eyes of the anthropologist, in fact, these intergovernmental meetings are highly codified institutional rituals officiated by individuals with specific statuses (Trice & Beyer 1984) belonging to a *communitas* of "heritage believers" (Bru-

---

[3] The ICH Committee monitors the implementation of the convention and inscribes nominated elements on ICH international lists. It is composed of representatives of 24 states parties to the convention, elected for a period of four years according to principles of equitable geographical representation and rotation. Committee sessions are held every year in different places at the invitation of the various states parties.

[4] For the past decade, I have been observing the work of the ICH Committee. I have followed the committee members to several of the committee's annual sessions (in Abu Dhabi, Paris, Baku and Bali) and have attended the general assemblies of the states parties as well as numerous expert meetings.

mann, this volume; Brumann 2014). However, the venues commonly chosen for such meetings (e.g. conference centres or the conference facilities of global hotel chains) have similar setups regardless of whether one is in Nairobi or Tokyo, Istanbul or Sofia, and the aforementioned *communitas* is composed of people speaking a range of different languages and coming from all over the world, which makes the observation of these "thick sites" the "reverse challenge of multisited ethnography" (Bendix 2013: 23).

The cultural expressions that are conventionally associated with anthropology are only virtually present in these contexts. In certain cases, the participants can enjoy ICH-themed entertainment proposed by the local organisers of the committee sessions or sample performances organised by the different national delegations to celebrate the inscription of their nominated elements. In the last few years, these performances have included Mexican Mariachi, the Korean lyrical folk song Arirang and the Kyrgyz epic trilogy (Manas, Semetey, Seytek), as well as Dalmatian Klapa multipart singing, Brazilian performing arts from the Carnival of Recife (Frevo) and Breton fest-noz dancing and singing. More commonly, "ICH elements" are simply described in nomination files and lauded by the relevant national delegations addressing the committee. The only chance participants in the committee session have to see these "elements" is when photographs or videos are projected on two screens during the discussion of the inscription.

In addition to photographs of the nominated elements, the participants at the sixth session of the committee, held in Bali in 2011, were shown an item that most anthropologists would describe as "ethnographic": a wooden Huachipaire arrow made from chonta wood and feathers. This arrow was part of a nomination dossier entitled "Eshuva, Harákmbut sung prayers of Peru's Huachipaire people", submitted by the Peruvian government. The Eshuva is a ritual chant performed by Huachipaire communities living in the southern part of the Peruvian rainforest for the purposes of healing, as part of traditional ceremonies or during the initiation of new Eshuva singers. In the application file it is marked as a practice under threat of disappearing, since the young generation is reportedly not interested in learning these songs, and there are thought to be only 12 living singers remaining.[5] This led the Peruvian government to opt for nomination to the so-called Urgent Safeguarding List, which, unlike the Representative List, not only seeks to give global visibility to the element but also involves the design and application of a safeguarding plan aimed at promoting cultural transmission.

---

[5]The nomination file is accessible on the UNESCO website:
www.unesco.org/culture/ich/index.php?lg=fr&pg=00011&USL=00531 <accessed January 7, 2015>.
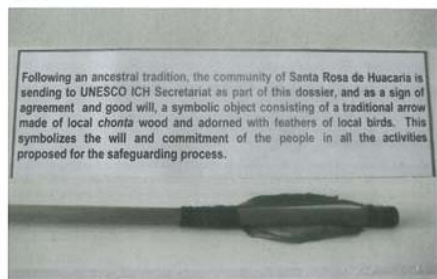
Figure 1: Document attached to the nomination file of "Eshuva, Harákmbut sung prayers of Peru's Huachipaire people" and listed as proof of the consent of communities. The document says that the arrow is available to view at the secretariat. It comprises three photographs of the arrow accompanied by an explanation of its meaning.

The Huachipaire arrow, intended as a symbol of the commitment of the community, became central in the extensive debate surrounding this nomination. It occupied the committee for two days, during which discussions were opened and closed several times before a conclusion was reached. The debate exhibited several distinctive features of negotiations in international arenas, namely lobbying and diplomatic alliances, tensions between political arguments and technical assessments, and contrasting interpretations of an international standard's key concepts. This episode is particularly instructive when considering the puzzles generated by the participatory principle of UNESCO ICH policies as the arrow occasioned an animated discussion on the meanings of "participation", "consent" and "engagement" of "communities".

2   UNESCO and heritage decolonisation

In order to consider the different understandings of participation and the contentious renegotiation of expertise that have emerged from these debates, it is necessary to situate this controversy against the backdrop of the decolonising claims that gave rise to the ICH Convention. The definition of ICH put forward by the UNESCO Convention in fact clearly underpins the idea that communities, groups and individuals have a right to heritage self-determination: "The 'intangible cultural heritage' means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – *that communities, groups and, in some cases, individuals recognize as part of their heritage*" (UNESCO 2003, art. 2.1, emphasis added).

By substantiating this right in the heritage domain, the UNESCO definition of ICH echoes a broader debate within the UN surrounding the self-determination of indigenous peoples, the most distinctive outcome of which has been the 2007 Declaration on the Rights of Indigenous Peoples (UNDRIP), which recognises that the latter "freely determine their political status and freely pursue their economic, social and cultural development" (art. 3). At the UNESCO level, heritage self-determination also reflects a reaction against World Heritage, regarded by many member states of the organisation as a "colonialist" and "Eurocentric" apparatus that globally legitimises and disseminates methods of cultural preservation and representation that were established in European contexts and that rest on the exclusive authority of heritage experts (most often archaeologists, architects or art historians), who are responsible for determining the so-called Outstanding Universal Value of a property. Such a shift from the founding, expert-driven UNESCO principles to heritage identification and protection has also been influenced by the postmodern reflexive turn in the social sciences and by a new awareness of their roles in objectifying and authorising cultural representations in support of colonial and post-colonial endeavours (Karp et al. 1992; Clifford 1997; Lilley 2000; Peers & Borwn 2003; Kreps 2005).

This move is widely apparent in the ICH Convention, to the extent that, as Brumann suggests in this volume, the increasing focus on the participation of communities, mainly understood as "indigenous communities", in the WH Convention is today undoubtedly influenced by the ICH Convention's distinctive participatory principle. Yet claims for a community-based heritage model have their roots in the World Heritage (WH) Convention (UNESCO 1972) and were raised by countries whose heritage policies have been shaped by negotiations with indigenous communities (Labadi 2013).[6] Already during the elaboration of the WH Con-

---

[6] In the USA, for instance, the Native American Graves Protection and Repatriation Act (1990), which regulates excavations on Indian lands and repatriation of cultural resources and human remains held by US federal institutions, acknowledges the right of Native Americans to manage their heritage according to their own criteria and priorities (Tsosie 1997).

vention, Australia stressed that ideas that later developed into the concept of "Outstanding Universal Value" were not consistent with aboriginal heritage. Later on, the Australian branch of the International Council on Monuments and Sites (ICOMOS) released the Burra Charter (1979), which was intended to "review the Venice Charter in relation to Australian practice" and to address the shortcomings of the the cross-cultural application of a tool stemming from a specific regional understanding of heritage as ancient monuments and archaeological sites (Waterton et al. 2006). More recently, in 2000, the World Heritage Indigenous Peoples forum, organised in conjunction with the 24th session of the WH Committee (hosted by Australia), proposed to establish a World Heritage Indigenous Peoples Council of Experts to facilitate the participation of indigenous people in the protection of WH, as well as to bring complementary conservation expertise to WH protection. Although this proposal was turned down, it provides evidence of the growing attention within UNESCO to different understandings of heritage expertise (Meskell 2013).

The influence of participatory approaches to heritage that were developed in settler societies was also integral to the growth of ICH international policies. American public folklorists from the Smithsonian Institution's Center for Folklife and Cultural Heritage tried to incorporate into the UNESCO definition of ICH the idea of heritage self-determination, which they were championing in their work. The longstanding participatory approach of the Smithsonian is clearly apparent in the collaborative museography of the National Museum of the American Indian as well as in the Smithsonian Folklife Festival held every summer in Washington National Mall, which is described on the organisation's website as "an exercise in cultural democracy, in which cultural practitioners speak for themselves, with each other, and to the public".[7] Indeed, the Center for Folklife and Cultural Heritage played a key role in the early debate on the establishment of a new UNESCO heritage convention, having co-organised a conference with UNESCO in 1999 entitled "A Global Assessment of the 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore: Local Empowerment and International Cooperation*". The conference reviewed past UNESCO action in the folklore field and assessed the effects of the aforementioned instrument (Albro 2007). While acknowledging the scant global impact of the recommendation, the participants identified as one of its major shortcomings the central role assigned by this instrument to research and documentation reflecting "the aim of protecting the products rather than the producers of traditional culture and folklore" (Seitel 2001: 273). In their "call for action", they accordingly stressed the need to focus on "the communities themselves" in order for "an appropriate representation to be given of those whose practices create and nurture this culture" (Seitel 2001: 273). Under the slogan

---

[7] http://www.festival.si.edu/about/mission.aspx <accessed January 7, 2015>.

"there is no folklore without the folk", the conclusions of this conference incited UNESCO to embark upon a participatory approach to the field that would later become known as ICH.

Several years later, the former chief of the ICH section explained to me how the major problem with the Recommendation was indeed that it "was intended to safeguard researchers rather than communities". This comment points to the key issue of expert knowledge and authority in heritage making, which has been undermined by the shift in the convention's priorities from scientific research and documentation to communities' self-representation. One of the most manifest consequences of the new approach underpinning the convention has been precisely the negotiation of new roles for what UNESCO calls "heritage bearers"[8] and for the research and documentation specialists in the field of ICH. While "self heritage-making" is an established phenomenon and civil-society organisations promoting heritage projects have been active for decades (Isnart, this volume), this trend has evolved in parallel with – or even in opposition to – official heritage institutions and programmes. In contrast UNESCO embeds this approach in authorised heritage institutions, thereby subverting the concept of heritage, the identity of heritage professionals and the scope of public action in this field.

Blake (2009, 2013) and Urbinati (this volume) stress that the participatory approach of the ICH Convention is unprecedented among international juridical instruments for heritage protection. The term "participation" is present in two articles of the convention (11[9] and 15[10]), which deal respectively with identification and definition of ICH and with participation of communities, groups and individuals in safeguarding activities. The first article establishes that states parties shall identify and define any ICH element "with the participation of communities, groups and relevant nongovernmental organizations", and the second that they "shall endeavor to ensure the widest possible participation of communities, groups and, where appropriate, individuals" in its safeguarding activities and "involve them actively in its management". Although the convention does not give any definition of participation and the language of these articles suggests only a soft obligation on the part of states parties (e.g. by using "shall" or "shall endeavor to

---

[8] In the glossary prepared by international experts during the drafting of the convention, a "bearer" is defined as "A member of a community who recognizes, reproduces, transmits, transforms, creates and forms a certain culture in and for a community. A bearer can, in addition, play one or more of the following roles: practitioner, creator and custodian" (van Zanten 2002: 4).

[9] Article 11 (b) ("Role of States Parties") establishes that "each state party *shall* […] among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant nongovernmental organizations." (Emphasis added)

[10] Article 15 ("Participation of communities, groups and individuals"): "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, and to involve them actively in its management." (Emphasis added)

ensure"), the criteria for inscription on the lists, set in the Operational Directives, reiterate this participatory principle. Indeed, according to Janet Blake, who was one of the legal experts involved in the elaboration and implementation of the convention, this instrument aims to provide "both States and communities with new opportunities to democratize the process by which we give value to heritage, by assigning a larger role to local people and communities", but renders "cultural heritage protection a much more complex question than it traditionally has been" (Blake 2013: 92–93). I argue that at the heart of this difficulty is the negotiation of new relationships between "heritage experts" and "heritage bearers". This issue remains a grey zone in the implementation of the convention, as the operational directives of the convention do not elaborate on brokerage and mediation between the two aforementioned categories of actors (Jacobs 2014). The debates of ICH experts in the UNESCO arena provide evidence of the diversity of possible understandings of this relationship.

Regular observation of the yearly meetings of the ICH Committee has revealed in fact that, as the implementation of the ICH Convention gradually reached its cruising speed and states became increasingly keen to have their elements inscribed on the UNESCO lists, the "participation" of "communities" in ICH identification and safeguarding became a controversial leitmotif in the committee's discussions and a bogeyman for several national institutions in charge of the implementation of the convention. Some national delegates regard the reinforcement of the participatory principle with suspicion and claim that the notion of "community" is oversimplified. An example of this simplification emerged during the 2013 committee session, when a delegate expressed regret that, even though the expression "*groups and, in some cases, individuals*" always accompanies "community" in the text of the convention (Hertz, this volume), in the practice of the committee these entities are not regarded as relevant. This impelled him to take the floor and ask for an amendment to every occurrence of the term "community", as the latter was not followed by any mention of groups and individuals. Indeed, the romantic, value-laden concept of "community" clearly casts a shadow over the two other categories in the debate currently taking place in the international arena. State delegates for example only refer to "communities" in their speeches, and even the carefully drafted official documents prepared by the secretariat drop the official formulation "groups and, in some cases, individuals".

The negotiation of new roles for "communities" and "experts" in heritage action is a growing concern at the different scales of implementation of the ICH Convention. My engagement with the French ICH national committee, with a regional trans-border Italo-Swiss inventory project and with an Italian municipality in its elaboration of a nomination for the Representative List allowed me to observe the concerns and controversies among various stakeholders compelled to comply, at different levels, with the ICH participatory paradigm. Though welcomed by NGOs and cultural rights activists as a triumph of democracy, this shift has been denounced by some heritage professionals and academics as a hyper-

relativistic and populist approach based on a romantic and nostalgic infatuation with community (Bauman 2001). Issues of expertise are at the heart of this controversy. Applied anthropologists regard the convention as an opportunity to affirm their professional identity and to defend their often under-recognised knowhow, now finally seen as "useful" by the political and administrative hierarchy. They assume the anthropological approach to be "naturally" and intrinsically participative, as it is based on an intimate connection between the researcher and his or her research subjects and thus differs from the objectivist expertise of other heritage experts like architects and art historians. This assumption is nonetheless challenged by the principle of heritage self-determination, which involves a curtailment of research and documentation and consequently unsettles professional identities, producing a feeling of delegitimation among applied anthropologists, who ironically depict themselves as the next endangered species to require safeguarding from UNESCO.

3 Mediating participation: Understandings of expertise in the ICH Committee's debate

The long and heated debates around the Eshuva nomination shed light on the challenge of heritage brokerage and on some of the different understandings of the concept of "participation". In the assessment of this dossier, the six individual experts and the representatives of six NGOs that comprised the evaluation body[11] stressed that the nomination did not provide clear evidence of the participation of the community in the elaboration or implementation of safeguarding measures. They added that the proposed interventions simply promoted data collection and documentation. In addition, according to the evaluation body, no convincing evidence of the community's involvement in the nomination process had been provided. The body therefore concluded that criteria U3 ("Safeguarding measures are elaborated that may enable the community, group or, if applicable, individuals concerned to continue the practice and transmission of the element")[12] and U4 ("The element has been nominated following the widest possible participation of

---

[11] A "consultative body", composed of six individual experts and six NGOs chosen according to the principle of equitable geographical distribution, assessed Urgent Safeguarding List nomination files. Nominations to the Representative List were assessed by another organ, known as the "subsidiary body", comprising delegates of the states that are members of the ICH Committee. In 2014 the two bodies were abolished, with evaluation of all files now being carried out by a single evaluation body of 12 members, comprising six experts representing states parties non-members of the committee and six representatives of accredited non-governmental organisations, all of whom are elected by the committee.

[12] "The proposed safeguarding measures are not clearly aimed at counterbalancing the identified risks, in particular regarding the lack of transmission of the Eshuva songs to younger generations, but are instead focused on collection and documentation and do not appear to reflect involvement of the concerned communities in their elaboration." (UNESCO 2011b: 38).

the community, group or, if applicable, individuals concerned and with their free, prior and informed consent") (UNESCO 2010: 3)[13] had not been met and invited the Peruvian Government to review the case and, in particular, "to elaborate a better conceived safeguarding plan with the full involvement of the communities concerned and with explicit focus on the specific threats that they face, emphasizing transmission of the element to children and its practice by them, rather than concentrating on documentation" (UNESCO 2011b: 39).

An inside observer explained to me that the evaluation body read the nomination "as one elaborated by capital-city experts who 'knew better' than the community itself, which was presented as having acquiesced without objection, and they found no evidence within the nomination (or the arrow) that would support a contrary reading". In accordance with the condemnation of the authority of expertise promoted by critical heritage discourse (Waterton & Smith 2010), experts are here regarded as major obstacles to the "bottom-up" approach put forward by the convention.

Before proceeding to an analysis of the intergovernmental committee's debates, it is worth considering the role assigned to experts by UNESCO's secretariat and by the evaluation bodies established by the committee and their interpretation of community participation. Among the various possible interpretations of the convention, theirs are presented as the most "orthodox". The secretariat's understanding of the key concepts of the convention is of crucial importance. This entity is responsible for developing the methods disseminated through capacity-building activities carried out at the global level to guide the implementation of the treaty. The members of the evaluation bodies are trained by the secretariat in order for them to become familiar with such methods. This form of "soft guidance" (Larsen 2013) is intended to generate a shared understanding of the criteria for inscription on the lists, and of the concept of participation underlying them, that is considered consistent with the "spirit of the convention", that is, that implies a strong partnership between heritage institutions and communities rather than superficial involvement of the latter in the action of the former.

The secretariat's uneasiness with academic authority was made particularly clear by the secretary of the convention during a workshop on ICH organised in 2012 by the French Ministry of Culture. On this occasion, the UNESCO official explained why she considered the nomination of the "gastronomic meal of the French"[14] a "top-down" intervention, stating plainly that to her, the "top" comprised the group of academics and national institutions' officials who played a ma-

---

[13] "The submitting State has not adequately shown the participation of communities in the elaboration of the nomination, although the community of Santa Rosa de Huacaria sent tangible evidence of its free, prior and informed consent in the form of a traditional arrow adorned with feathers of local birds and symbolizing the will and commitment of the people." (UNESCO 2011b: 38).

[14] Inscribed on the Representative List in 2010.

jor role in the elaboration of the nomination.[15] Another seminar, organised by the French Centre for Intangible Cultural Heritage in 2013 and focusing on the different ways in which ICH is being included in European university curricula, provided a clear illustration of the place accorded by the "spirit of the convention" to academic authority in the ICH sphere. The remarks formulated during the seminar by a former UNESCO high officer and by independent specialists who had served in the evaluation bodies clearly established a difference between two modes of expertise that, in a schematic way, I call those of the "researcher" and the "facilitator".

The "researcher", trained according to specific anthropological academic curricula, uses his or her ethnological competence to participate in the safeguarding of ICH. While some curricula introduced during the seminar build on a critical and reflexive approach and explore the very process of heritage-making, others were presented as merely creating a corpus of heritage elements, adopting methods inspired by modernist folklore categories that privilege "natural transmission" and denounce as spurious the elements resulting from "altered transmission". In the eyes of the guardians of the "spirit of the convention" taking part in the debate, academic research did not put the "heritage bearers" and their values at the heart of the safeguarding process. They further emphasised that the convention they helped to draft mentions "research" only among other safeguarding means and not as the most important one, and that "it is not research that allows ICH to live". To clarify their point they explained that, in the ICH framework, a researcher is someone who assists and facilitates rather than someone who decides what is to be elevated to the status of "heritage".

This description parallels that provided in the glossary prepared during the drafting of the convention. This text provides a unique definition of "Researcher, administrator and manager", characterising them as "specialists who promote, display and mediate culture through personal engagement, and in organisations and institutions at local, national, regional and international levels" (van Zanten 2002: 6). Indeed, the experts trained by the secretariat to conduct capacity building are termed "facilitators", echoing the vocabulary of participatory action research. An understanding of expertise as facilitation is regarded as consistent with the anti-colonialist approach underpinning the convention, which is aimed at a redistribu-

---

[15] I was a member of the scientific committee involved in the elaboration of this nomination (2007-2009). An analysis of the 2011 nomination cycle reveals that this particular nomination was not the only one to be prepared by academics and public officials, as several nomination files document the participation, as well as the free and informed consent, of NGOs, centres of expertise and research institutions rather than heritage practitioners and bearers. The authors of this analysis present this approach as conflicting with the convention's mandate for "genuine participation by the heritage practitioners' communities which is not only spelled out in the convention but also embedded in the methodologies, concepts and documents that guide its implementation" (Rudolff & Raymond 2013: 156).

tion of authority. Therefore, even if most of these "facilitators"[16] are trained as anthropologists, they are mandated not to intervene in the selection using their discipline's scientific criteria but to provide "neutral" and "technical" guidance on the mechanisms and principles of the convention to "strengthen and solidify (…) human and institutional capacities for safeguarding" (UNESCO 2012: 2). This facilitator position is similar to that of the professional museum curators in "community-based exhibits". They are expected to act as a "museological ghost writer" (Phillips 2003: 164), putting their expertise at the service of community members, who have the ultimate say over the content of the exhibit, including its accompanying texts.

The "spirit of the convention" appeared to be haunting the evaluation bodies of the 2011 cycle of nominations, since, for the first time in the short life of the ICH Committee, several nominations were turned down due to what was regarded as a lack of participation of the communities concerned. In their report, the evaluation bodies stressed the importance of actively involving community members at all stages of the nomination, particularly the identification of the element, and in the design of safeguarding measures "not only as targets or beneficiaries of such measures but as their instigators and implementers" (UNESCO 2011a: 18). The report further underscores that states are "requested to describe clearly how the community, group or, if applicable, individuals concerned have participated actively in preparing and elaborating the nomination at all stages" (UNESCO 2011: 12), to discuss the consultative processes leading to the nomination and to specify how and when they were organised and how the perspectives and aspirations of the bearers and practitioners were integrated into the nomination.

During this committee session, state delegates and representatives of the evaluation bodies discussed the concept of participation at length, highlighting the frictions between possible interpretations thereof. The "orthodox" interpretation of the evaluation bodies was visibly at odds with different national ways of understanding and applying this concept in heritage policies and institutional practices. The Eshuva nomination was the most debated case and also the most emblematic, as the Huachipaire arrow discussed above substantiated the diversity of possible interpretation of participation. As explained in the Peruvian application file, the arrow was sent by the community of Santa Rosa de Huacaria to the UNESCO Secretariat of the ICH Convention "as a sign of agreement and good will […]" symbolising "the will and commitment of the people in all the activities proposed for the safeguarding process". The meaning of such a gesture, which is claimed to be an "ancestral tradition", is explained in the nomination file in the section about the "commitment of communities, groups or individuals concerned". The arrow is

---

[16] I am myself one of the facilitators trained by UNESCO to conduct capacity-building activities in the field of ICH.

accordingly listed among the documents comprising the nomination dossier under the heading "consent of communities".[17]

The different possible meanings of the arrow split the committee into two factions. Some members endorsed the conclusions of the evaluation body, pointing to the confusion between the prior, free and informed consent of communities to submit their application (substantiated by the arrow) and their participation in the preparation of the file and the design and implementation of safeguarding measures. Sticking to the interpretation of "participation" adopted by the evaluation body, these committee members stressed that concrete evidence is needed to prove that the conception of such safeguarding measures comes from the communities themselves rather than from experts, and that these measures meet the aspirations of the communities concerned, who are thus expected to be willing to implement them, whether or not they actually drafted the nomination file.

Other members of the committee – mainly representatives of the Group of Latin America and Caribbean Countries (know in UN jargon as "GRULAC") – argued that each community has its own way of showing its commitment and that such diversity must be respected; whilst some communities may participate in the drafting of the nomination, others may use traditional means to show their involvement in the nomination process. The arrow sent by the community of Santa Rosa de Huacaria is therefore regarded by GRULAC delegates not only as proof of consent but also as a form of participation, proving the will of the community to safeguard this cultural expression. In an impassioned address, the GRULAC delegates opposed the impersonal conclusions of the evaluation body. They stressed the urgent need for UNESCO intervention while presenting the deficiencies enumerated by the evaluation body as purely formal details that deserved to be overlooked for the sake of safeguarding.

The arguments elaborated by these delegates were based on the apocalyptic vision of history that Daniel Fabre has termed the "*paradigme des derniers*" (Fabre 2008) which recalls the modernist nostalgia of the first generations of anthropologists for what they regarded as "vanishing cultures" (Berliner 2014). As one delegate put it, waiting for these communities to be literate in order for them to be able to take part in the drafting of the nomination would mean "losing" their culture in the meantime. Who cares who devised the safeguarding measures if the ritual songs are disappearing? A delegate from one South American country expressed his concerns over the hesitation of his colleagues, explaining that the last Eshuva

---

[17] Nominations comprise a 16-18-page form (to be completed in either English or French and sent by the submitting state to the UNESCO secretariat), a 10-minute video introducing the element, 10 photographs and proof of free, prior and informed consent of the "communities concerned". The main file comprises five sections corresponding to the different evaluation criteria used by the evaluating body. In particular, submitting states are required to provide information on the ways in which the community initiated or participated in the nomination process (section 4 of the nomination form: "Community participation and consent to the nomination process"), as well as on how they participated in the definition of safeguarding measures (section 3) and the identification of ICH (section 5).

bearers were old and might "disappear" before the element was inscribed, should the inscription be delayed by two or three years. A colleague corroborated his argument, noting that "only two bearers are still alive". The following morning, the debate reached a dramatic crescendo when the same South American delegate urged his colleagues to face their responsibilities and take a rapid decision, since he had heard that one of the few bearers had passed away the day before.

The GRULAC countries proposed to amend the draft decision suggested by the evaluation body. After a few additional reminders to acquiesce to the organisation's consensus rule and to adopt a non-punitive approach but rather to acknowledge Peru's good will with regard to safeguarding ICH, the amendments were eventually accepted by the committee, whose final decision, now accessible on the UNESCO website,[18] accordingly states that the nomination meets the five criteria necessary for inscription on the Urgent Safeguarding List. General statements on the importance of safeguarding the Eshuva ritual chanting thus overturned the technical recommendations of the evaluation body. The delegates speaking in favour of the Peruvian nomination tried to belittle the technical evaluation of the NGOs and the individual experts, insisting that such an evaluation was simply advice as opposed to the committee's prerogative to decide on inscriptions. One delegate even invited his colleagues to consider the meaning of the term "consultative" as applied to the evaluation body charged with assessing nominations for the Urgent Safeguarding List. As often observed in the realm of WH, hard "political diplomacy" (Schmitt 2009) prevailed here over the soft "politics of technicality" that are increasingly shaping global governance (Larsen 2013).

One of my UNESCO interlocutors later described this debate as an elaborate shadow play aimed at securing support from the formerly colonised (the GRULAC countries) for their former coloniser, Spain, which had its own vulnerable nomination on the Representative List (*Fiesta of the patios in Cordova*). He could not recognise any coherent intellectual position in such a "bald-faced demagoguery and parliamentary contortion". In UNESCO debates, in fact, technical guidelines have a positive connotation as neutral and based on decisions collectively taken against "objective" criteria. In contrast, political decisions are considered unrelated to heritage preservation and as the mere outcome of an exchange of favours intended to increase states' national prestige. Like many of the committee debates, the arrow controversy undoubtedly reflects international diplomatic concerns, while shedding light on the malleable understandings of the concept of participation, its vagueness and its possible entrenchment in different registers of action (Blondiaux 2008). Specifically, this debate points to the most crucial, and at the same time most ambiguous, aspect of the participatory model put forward by UNESCO, namely the role of the mediators between the "heritage bearers" and the "heritage apparatus".

---

[18] http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&USL=00531 <accessed January 7, 2015>.

This sticky point raises essential questions about the implementation of the ICH Convention, clearly elucidated by the testimony that I collected from key Peruvian players in this episode. Both the Paris-based Peruvian diplomats and anthropologists of the Dirección Regional de Cultura de Cusco highlighted that the involvement of experts from outside the Huachipaire community was necessary in the nomination process. In their view, even though the nomination was prepared by the Ministry of Culture through its regional office in Cusco, this did not mean that they did not participate. As many community members were not literate, the Dirección Regional de Cultura de Cusco was instrumental in informing them about the UNESCO programme and the possibility of submitting a nomination. A representative of this organisation furthermore explained to me that his colleagues and he were involved as anthropologists acting "with the consent of the community" to make a "technical revision" to the nomination, and that the community leaders had endorsed the way in which their singing was portrayed in the nomination. In his opinion, "participation" was inherent in this process, and the evaluation body's objection that the nomination was not prepared by the community was unfounded.

The committee's debate sheds light on the multifaceted nature of anthropological expertise. While the evaluation body and one section of the committee took the Peruvian anthropologists as "researchers", privileging their values, methods and criteria over those of their research subjects, the GRULAC delegates depicted the same persons as "facilitators" charged with giving a voice to the community, a perception sustained by the argument that fieldwork is by its very nature a collaborative enterprise, and that no anthropological work is possible without the participation and "complicity" of the informants. Of course, the assumption that ethnography is intrinsically participative has long been called into question by ethnographic theory, and the issue of anthropological legitimacy in representing "the other" has been traversing the discipline since *Writing Culture* (Clifford & Marcus 1986). Controversies around participation and expertise in the implementation of ICH policies are particularly interesting, as they extricate this issue from a circumscribed disciplinary field and apply it to the broader social and political domain that involves, in this case, diplomats, civil servants and "heritage bearers".

4   Conclusion

Individuals and agencies with specific scientific and technical knowhow are still at the heart of the heritage apparatus. In the field of ICH, these go-betweens generally have an anthropological background. The debate at the UNESCO level implies two opposing understandings of their role. The first, regarded as colonialist by the custodians of the "spirit of the convention", views them as "researchers"; the second, valued as consistent with the de-colonising approach of the convention and with the idea of heritage self-determination, sees them as "facilitators".

What the guardians of the "spirit of the convention" ultimately objected to in the Peruvian nomination discussed previously is that the dossier did not embrace the decolonising model championed by the UNESCO ICH international standard, but instead maintained an approach based on the authority of expertise, which is firmly rejected by the ICH Convention. Peruvian heritage institutions in fact consider participation as an expert-mediated process, a view shared by anthropologists in charge of the implementation of the UNESCO convention within national institutions in France and Italy whom I have had the opportunity to interview or collaborate with in the last ten years. This finds an interesting parallel in the World Heritage field, where non-European nominations use "Eurocentric" arguments to justify the "outstanding universal value" of indigenous culture. In discussing the case of pre-Hispanic monuments, Sophia Labadi provides evidence that non-European states have not exploited the innovations introduced as an attempt to decolonise World Heritage, such as the acknowledgment of the relativity of the concept of authenticity outlined in the Nara Document on Authenticity in 1994. Rather, she stresses, they mimic the arguments originally developed in the European heritage apparatus to represent the grandeur of the nation, emphasising the architectural, aesthetic and historical value of these properties. Labadi argues that by using the strategies of the European AHD, non-European states subvert the established hierarchy of heritage values and "reposition themselves from the periphery to an egalitarian position at the very heart of European discourse" (Labadi 2013: 61).

It is tempting to conclude, therefore, that in the field of ICH formerly colonised countries have adopted the colonialist perspective as the most effective means to legitimate their political claims. However such conclusions must be nuanced in the light of the fundamental ambiguity characterising communication in a "thick" (Bendix 2013) international setting such as the ICH Committee. The committee members' understanding of "anthropological expertise" is in fact biased by their linguistic background and by academic traditions in their respective countries. The concept of "anthropological expertise" assumes different meanings in different academic environments, influenced by specific theoretical conventions and political contexts.

In many parts of the world, where the dichotomy "Activist Research vs. Cultural Critique" (Hale 2006) is not as entrenched as it is in western academic settings, anthropology is viewed as inherently advocative, and researchers in this discipline engage with research collaborators to produce organic and collaborative knowledge. In these cases, the distinction between "researcher" and "facilitator" does not necessarily hold up. After all, are these two categories so different even in European contexts? Recent accounts by European academic researchers involved in heritage projects have explored disruptions to the conventional roles of anthropologist and informant, explaining how the former is often manipulated and used by communities to produce their own cultural representations. The researcher is thus turned into a mediator (Adell, this volume). He is brought by his interlocutors

to official meetings with representatives from national or international institutions, the local press interview him and publish photographs of him doing fieldwork, he is paraded alongside the mayor at local events like the opening of exhibitions or book launches. What counts in these contexts is more his physical presence than his actual anthropological expertise (Dassié & Garnier 2011). Former research subjects thus capitalise on the assumed authority of the anthropologist. Whether this is a sign of the decline of the discipline or an evolution of the figure of the anthropologist remains an open question. What is clear, however, is that even in European academic contexts, where anthropological advocacy is difficult to defend (Hastrup 1990), anthropologists cooperate haphazardly in the making of ICH. In this process, they are not the only or even the principal authority, as they ultimately have only an auxiliary role in projects of cultural legitimation. Intending to intervene as "researchers", they end up functioning as "facilitators".

On the other hand, we may wonder whether the effects of research in terms of interpretative authority and control over representation are so different to those of facilitation. I argue that if the intervention of "researchers" involves narrative strategies, that of facilitators comprises "techno-political devices", combining "legitimacy, representation and prescription" (Müller 2013: 10). Facilitators are supposed to "simply" assist their interlocutors in their heritage projects and encourage the participation of all stakeholders. They do not intervene as the bearers of scientific authority on the heritage of a group and are not supposed to influence or assess their interlocutors' opinions and heritage values. This mediation, intended as neutral technical guidance to merely build the capacities of the communities, nonetheless influences communities' self-representations, as it defines benchmarks and promotes activities identified as "best practice" according to international, standard criteria (Larsen 2013). Facilitating heritage self-determination thus has the unintended effect of schooling communities in UNESCO-speak, just as the principle of self-determination in the UN Declaration on the Rights of Indigenous Peoples involves the mainstreaming of indigenous leaders (Bellier 2013).

Regarded as "natural" mediators between ICH bearers and ICH institutions, anthropologists frequently become caught up with ethical dilemmas about their position. This uneasy situation contributes significant moral and methodological uncertainties to our work, but is in itself "good to think with", providing us with an extraordinary chance to reflect on the meaning of doing anthropology and on our place in academic, policy and social worlds.

References

Albro, Robert (2007): The terms of participation in recent UNESCO cultural policy making. *In* Safeguarding Intangible Cultural Heritage: Challenges and approaches. Janet Blake, ed. Pp. 109–128. Builth Wells [Wales]: Institute of Art and Law.

Aykan, Bahar (2013): How participatory is participatory heritage management? The politics of safeguarding the Alevi Semah ritual as intangible heritage. International Journal of Cultural Property 20(4): 381–405.

Bauman, Zygmunt (2001): Community: Seeking safety in an insecure world. Cambridge: Polity.

Bellier, Irène (2013): "We indigenous peoples ...": Global activism and the emergence of a new collective subject at the United Nations. *In* The gloss of harmony: The politics of policy-making in multilateral organisations. Birgit Müller, ed. Pp. 177–201. London: Pluto Press.

Bendix, Regina (2013): The power of perseverance. Exploring negotiation dynamics at the World Intellectual Property Organization. *In* The gloss of harmony: The politics of policy-making in multilateral organisations. Birgit Müller, ed. Pp. 23–49. London: Pluto Press.

Berliner, David (2014): Are anthropologists nostalgists? *In* Anthropology and nostalgia. David Berliner & Olivia Angé, eds. Pp. 17–34. Oxford: Berghahn.

Blake, Janet (2009): UNESCO's 2003 Convention on Intangible Cultural Heritage: The implications of community involvement in "safeguarding". *In* Intangible heritage. Laurajane Smith and Natsuko Akagawa, eds. Pp. 45–73. London: Routledge.

Blake, Janet (2013): Some reflections on the meaning and implications of community involvement in safeguarding Intangible Cultural Heritage. *In* Droit et patrimoine culturel immatériel. Marie Cornu, Jérôme Fromageau & Christian Hottin, eds. Pp. 87–110. Paris: Harmattan.

Blondiaux Loïc (2008): Le Nouvel esprit de la démocratie: Actualité de la démocratie participative. Paris: Seuil.

Brumann, Christoph (2014): Heritage agnosticism: A third path for the study of cultural heritage. Social Anthropology 22(2): 173–188.

Clifford, James (1997): Routes: Travel and translation in the late twentieth century. Cambridge-London: Harvard University Press.

Clifford James & George E. Marcus (1986): Writing culture: The poetics and politics of ethnography. Berkeley: University of California Press.

Dassié, Vérnique & Julie Garnier (2011): Patrimonialiser les mémoires de l'immigration: L'onction scientifique dans une quête de legitimation. *In* Ethnologues et passeurs de mémoires. Gaetano Ciarcia, ed. Pp. 109–130. Paris, Montpellier: Karthala, MSH-M.

Fabre, Daniel (2008): Chinoiserie des Lumières. L'Homme, 185-186: 269–300.

Fraser, Nancy (2009): Feminism, capitalism and the cunning of history. New Left Review 56: 97–117.

Groth, Stefan (2012): Negotiating tradition: The pragmatics of international deliberations on cultural property. Göttingen Studies in Cultural Property 6. Göttingen: Universitätsverlag Göttingen.

Hafstein, Valdimar Tr. (2004): The making of Intangible Cultural Heritage: Tradition and authenticity, community and humanity. PhD diss., Universtity of California, Berkeley.

Hale, Charles R. (2006): Activist research v. cultural critique: Indigenous land rights and the contradictions of politically engaged anthropology. Cultural Anthropology 21(1): 96–120.

Hastrup, Kirsten (1990): Anthropological advocacy: A contradiction in terms? Current Anthropology 31(3): 301–311.

Jacobs, Marc (2014): Development Brokerage, Anthropology and Public Action. Local Empowerment, International Cooperation and Aid: Safeguarding of Intangible Cultural Heritage. Volkskunde. Tijdschrift over de cultuur van het dagelijks leven 115(3): 299–318.

Karp Ivan, Christine Mullen Kreamer & Steven D. Lavine eds. (1992): Museums and communities: The politics of public culture. Washington, D.C.: Smithsonian Institution Press.

Kreps, Christina (2005): Indigenous curation as Intangible Cultural Heritage: Thoughts on the relevance of the 2003 UNESCO Convention. Theorizing Cultural Heritage 1(2): 1–8.

Kuper, Adam (1999) Culture: The anthropologists' account. Cambridge-London: Harvard University Press.

Kuutma, Kristin (2007): Making inventories: A constraint or an asset? Regional seminar "Principles and Experiences of Drawing up ICH Inventories in Europe", May 14-15 2007, Tallinn, Estonia. http://www.unesco.org/culture/ich/doc/src/00211-EN.pdf <accessed August 16, 2014>

Labadi, Sophia (2013): UNESCO, cultural heritage, and outstanding universal value: Value-based analyses of the World Heritage and Intangible Cultural Heritage Conventions. Lanham: Alta Mira Press.

Larsen, Peter Bille (2013): The politics of technicality: Guidance culture in environmental governance. *In* The gloss of harmony: The politics of policy-making in multilateral organisations. Birgit Müller, ed. Pp. 75–100. London: Pluto.

Lilley, Ian ed. (2000): Native title and the transformation of archaeology in the postcolonial world. Oceania Monograph 50. Sydney: University of Sydney.

Marcus, George E. (1997): The uses of complicity in the changing mise-en-scene of anthropological fieldwork. Representations 59: 85–108.

Meskell, Lynn (2013): UNESCO and the fate of the World Heritage Indigenous Peoples Council of Experts (WHIPCOE). International Journal of Cultural Property 20: 155–174.

Müller, Birgit, (2013): Introduction: Lifting the veil of harmony: Anthropologists approach international organizations. *In* The gloss of harmony: The politics of policy-making in multilateral organisations. Birgit Müller, ed. Pp. 1–20. London: Pluto Press.

Noyes, Dorothy (2011): La fête ou le fétiche, le geste ou la gestion. Du patrimoine culturel immatériel comme effet pervers de la democratization. *In* Le patrimoine culturel immaterial: Enjeux d'une nouvelle catégorie. Chiara Bortolotto, ed. Pp. 125–148. Paris: Éditions de la Maison des sciences de l'homme.

Peers, Laura & Alison Brown eds. (2003): Museums and source communities: A Routledge reader. New York: Routledge.

Phillips, Ruth (2003): Community collaboration in exhibitions: Toward a dialogic paradigm. *In* Museums and source communities: A Routledge reader. Laura Peers & Alison Brown, eds. Pp. 153–170. New York: Routledge.

Rudolff, Britta & Rayond, Susanne (2013): A community convention? An analysis of free, prior and informed consent given under the 2003 Convention. International Journal of Intangible Heritage 8: 153–164.

Schmitt, Thomas (2009): Global cultural governance: Decision-making concerning World Heritage between politics and science. Erdkunde 63(2): 103–121.

Seitel, Peter ed. (2001): Safeguarding traditional cultures: A global assessment of the 1989 UNESCO recommendation on the safeguarding of traditional culture and folklore. Washington, DC: Center for Folklife and Cultural Heritage, Smithsonian Institution Press.

Smith, Laurajane (2006): The uses of heritage. London-New York: Routledge.

Tauschek, Markus (2010): Wertschöpfung aus der Tradition. Der Karneval von Binche und die Konstituierung kulturellen Erbes. Berlin: LIT Verlag Münster.

Trice, Harrison M. & Janice M. Beyer (1984): Studying organizational cultures through rites and ceremonials. Academy of Management Review 9: 653–669.

Tsosie, Rebecca (1997): Indigenous peoples' claims to cultural property: A legal perspective. Museum Anthropology, 21(3): 5–11.

Tylor, Edward Burnett (1871): Primitive culture: Researches into the development of mythology, philosophy, religion, art, and custom. London: John Murray.

UNESCO (1972): Convention Concerning the Protection of the World Cultural and Natural Heritage. http://whc.unesco.org/en/conventiontext <accessed July 17, 2014>

– (2003): Convention for the Safeguarding of Intangible Cultural Heritage. http://www.unesco.org/culture/ich/index.php?lg=en&pg=00006 <accessed July 12, 2014>

– (2010): Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage. Adopted by the General Assembly of the States Parties to the Convention at its second ordinary session (Paris, France, 16 to 19 June 2008), amended at its third session (Paris, France, 22 to 24 June 2010).

– (2011a): Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, sixth session Bali, Indonesia, 22 to 29 November 2011. Item 13 of the Provisional Agenda: Report of the Subsidiary Body on its work in 2011 and evaluation of nominations for inscription in 2011 on the Representative List of the Intangible Cultural Heritage of Humanity. Addendum. (ITH/11/6.COM/CONF.206/13 Add).

– (2011a): Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, sixth session Bali, Indonesia, 22 to 29 November 2011. Item 8 of the Provisional Agenda: Evaluation of nominations for inscription in 2011 on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding. Addendum. (ITH/11/6.COM/CONF.206/8 Add).

– (2012): Report of the Secretariat on the implementation of the global capacity-building strategy, Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, Seventh session UNESCO Headquarters, Paris, 3 to 7 December 2012 (ITH/12/7.COM/INF.5).

– (2013): Report on the evaluation by the Internal Oversight Service of UNESCO's standard-setting work of the Culture Sector and the related audit of the working methods of Cultural Conventions, Intergovernmental

Committee for the Safeguarding of the Intangible Cultural Heritage, Eighth session Baku, Azerbaijan, 2 to 7 December 2013 (ITH/13/8.COM/5.c).

Van Zanten, Wim ed. (2002): Glossary on Intangible Cultural Heritage. The Hague: The Netherlands National Commission for UNESCO.

Waterton, Emma, Laurajane Smith & Gary Campbell (2006): The utility of discourse analysis to heritage studies: The Burra Charter and social inclusion. International Journal of Heritage Studies 12(4): 339–355.

Waterton, Emma & Laurajane Smith (2010): The recognition and misrecognition of community heritage. International Journal of Heritage Studies 16(1-2): 4–15.

Community as Myth and Reality in the UNESCO World Heritage Convention

Christoph Brumann
Max Planck Institute for Social Anthropology, Halle (Saale)

1 Introduction

When comparing the role of community in the UNESCO heritage conventions, there appears to be a clear case: Community is the province of the Convention for the Safeguarding of Intangible Cultural Heritage of 2003, where the word appears no less than 12 times in the convention text. Right at the beginning, Intangible Cultural Heritage is linked with communities, and these, in turn, with identity in a very unproblematic way, as if this were a natural, harmonious and good union between three things that, in themselves, are natural and good:

> Article 2 – Definitions
> For the purposes of this Convention,
> 1. The 'intangible cultural heritage' means the practices, representations, expressions, knowledge, skills […] 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 […] and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. (UNESCO 2003)

Obviously, this is a rosy assessment that benignly overlooks the ways in which communities can be oppressive and collective identities have fuelled division, all the way from everyday discrimination to genocides. The role of positively imagined communities in the implementation of the new Convention, however, is nonetheless central.

By comparison, communities play a lesser role in the other prominent UNESCO heritage instrument, the Convention Concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference in 1972, but in recent years, the concept is putting on discursive weight here too. The World Heritage Convention continues to be the most influential global arena for heritage conservation, and a place on the erudite World Heritage List is a highly coveted trophy in tourism, development schemes, and local and national status quests. Although the consequences of gaining a World Heritage title are often complex, there are numerous cases where conservation has been significantly strengthened. Indirectly, World Heritage has also shaped the evolution, institutional elaboration and hidden agendas of the 2003 Convention, which is partly modeled on and partly defined against its sister treaty, and where key actors' behavior is also often influenced by the World Heritage experience (Hafstein 2009).

Therefore, in this chapter, I will explore the place of community in the World Heritage system and the related practices of its constituent bodies. Lip service to the importance of communities is readily paid here, partly as a reaction to the challenge of the younger Convention. However, my main argument is that there is little actual space for communities, at least not for the local communities at World Heritage sites. Moreover, one of the obstacles to bring them in more fully is a muted community, itself a rather localized one, namely the community of the ambassadors and other diplomats representing their countries at UNESCO headquarters in Paris and in the convention meetings.[1]

2   Community in the World Heritage Convention

The text of the World Heritage Convention (UNESCO 1972) has four mentions of "community;" three of them of "international community." The latter are carried by the powerful utopian idea of the universal sharing of humanity's most important sites as a kind of global commons, reflecting a general trend in international law around 1970 to elevate humanity in its entirety to the position of a rights-holder (Wolfrum 2009). I see this as rather distinct from the 2003 Convention,

---

[1] Using an ethnographic approach, I have combined participant observation of the official sessions of the World Heritage Committee (the intergovernmental body in charge of implementing the convention), the General Assemblies of the 190 signatory states and other statutory meetings; interviews with key actors from all participating organizations; and a study of the documentary record, mainly between 2009 and 2012 (Brumann 2012). For similar research strategies, see Groth 2012 and Müller 2013, and for ethnographic studies of World Heritage Site communities, see Breglia 2006, Hauser-Schäublin 2011, Joy 2011, Probst 2011, and Salamandra 2004, among others.

where every "cultural expression" is believed to be linked to an identifiable – if often rather large – community, and humanity in its entirety comes in only in second place, as a kind of guardian angel hovering over the rightful owner and not as a fully fledged co-owner. This is different from the way World Heritage sites are construed as everyone's heritage in the 1972 Convention, and in the World Heritage meetings, the international community or community of humankind also features through frequent use of an unspecified yet morally loaded "we." In the 2012 World Heritage Committee session in St. Petersburg, for example, the German ambassador to UNESCO, moved by the Malinese Cultural Minister's tearful report of the ongoing Islamist mutilations of the Timbuktu World Heritage properties, called for a moment of silence, arguing that "we must interrupt our work for this one minute." This "we" left open whether it embraced only the Committee delegates and those present in the hall, or rather humanity as a whole, as the Convention, in the words of the ambassador, had lost one of its parents and one of its children. The fourth mention in the World Heritage Convention text seems to index local communities when the "States Parties" (i.e. signatory states, with a double plural and capitalized) are exhorted to "adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community" (UNESCO 1972: article 5.1). So community in the actual and grounded sense is there, but certainly not to the extent in which communities are highlighted, even enshrined, in the 2003 Convention.

In recent years, however, the World Heritage arena has been striving to catch up. The strategic objectives of the Convention ceremonially proclaimed at the 30th anniversary celebration in 2002 – the so-called "four Cs" of credibility, conservation, capacity-building, and communication – had a "fifth C" for community added in the 2007 Committee session on the initiative of the host, New Zealand. The communities to be involved in World Heritage activities were specified as indigenous, traditional or local ones (decisions 31 COM 13A and 31 COM 13B),[2] meaning that they are not of the merely virtual or "imagined" type and are also more circumscribed than the international community. The 40th anniversary in 2012 was celebrated under the overall theme "World Heritage and Sustainable Development: The Role of Local Communities" (decision 35 COM 12D, paragraph 4). A lunchtime side event in the 2012 Committee session explored "World Heritage Involving Communities: Concepts and Actions," and a vice-president of ICOMOS – the International Council on Monuments and Sites, an international membership organization of conservationists that advises the World Heritage Committee on cultural heritage – insisted that all World Heritage sites are, first and forever, local places. Instead of trying to involve the site communities which have often been actively engaged with the sites for a long time, she exhorted us to work to involve ourselves; certainly, her own Australian experience with indigenous heritage came

---

[2] The World Heritage Committee decisions do not have URLs, but can be retrieved from http://whc.unesco.org/en/decisions <accessed February 21, 2014> or simply by a general web search for the document code. The document codes are provided in parenthesesin the following text.

in here. The 2011 revised manual for the preparation of World Heritage nominations, prepared jointly by the secretariat of the Convention (the World Heritage Center within UNESCO headquarters in Paris) and the advisory bodies, urges States Parties to ensure that "proceeding with World Heritage nominations […] is worthwhile for both the conservation of the property and the well-being of local communities and other local stakeholders" (UNESCO 2011: 6). ICOMOS also champions a "rights-based approach to heritage" now, and the rights meant are those of local communities (Sinding-Larsen 2012). All these official pronouncements agree that World Heritage properties, aside from being globally significant heritage sites, are also community spaces. No conservation without or against these communities is possible, and their wish to draw benefits from the sites is legitimate.

Part of this discursive turn can be explained with the general romanticism for community (Joseph 2002) in the cold realities of the neoliberal age, but a good deal is also due to what I think is the influence of the 2003 Convention. It is difficult to shut out community from the World Heritage Convention when it is celebrated so much in the other popular UNESCO Heritage Convention, and it is also no easy task for the unspecialized diplomats who represent their states at the statutory meetings of both Conventions to keep them apart conceptually. There is, thus, a piecemeal diffusion of rhetoric and practices between the two Conventions that belies their formal independence, much as the general public also tends to conflate them, often by subsuming both under the World Heritage label.

3   Obstacles to Community Involvement in World Heritage Meetings

Beyond the abstract praise for community, however, one hears surprisingly little in the Committee sessions about the communities living at or near World Heritage sites. I think that there are four structural reasons for this. The first is time pressure: While session time is dominated by the discussion of individual sites which occupies about two-thirds of the 10 or 11 meeting days, there are 981 properties on the World Heritage List as of 2013, some of them consisting not only of single sites, but whole series of separate components. A further 15 to 30 properties are added each year. In 2012, the Committee took decisions on all 35 properties on the List of World Heritage in Danger and another 107 properties with conservation issues. In addition, it examined 49 nominations or proposed extensions of World Heritage properties, making for a total of 191 cases. Even this number would be unmanageable if most decisions, particularly on problematic sites, were not taken without discussion by simply adopting the draft decision prepared by the World Heritage Center, ICOMOS and IUCN (the International Union for Conservation of Nature, a global organization of conservation agencies and NGOs, which

advises the Committee on the natural sites). When the debate about a site is opened, it can be over within minutes, so that participants often hear very little about the sites, let alone the communities living there.

The second reason is the work load of the World Heritage system, partly a function of intense cost pressure. The World Heritage Center must rely on temporary "consultants" and interns to a degree that some of its permanent staff find worrying, and ICOMOS, in particular, cannot pay competitive wages to the experts consulted for desk reviews, inspection missions to the sites and drafting the evaluation texts. Both secretariat and advisory bodies are fully occupied by their statutory duties, and what they do in terms of fact-finding about the sites or liaising with the communities there usually reacts to input from outside, rather than following a self-defined agenda. All this has been further aggravated by the US pullout after the UNESCO General Conference accepted Palestine as a new member in 2011, resulting in a budget cut of 22 percent. The systematic collection of any information about the sites is, thus, a challenge, and this applies all the more to site communities.

This is because – the third obstacle – the communities at World Heritage sites and their destinies are not the Convention rationale. Instead, it is the physical conservation of the sites and the buildings, natural features, or wildlife found on them. While past communities are often the creators of what is significant in the sites and are believed to establish the "outstanding universal value"(OUV) required for an inscription on the World Heritage List, present-day local populations often come in only as a disturbing factor, as those who build the high-rises and bridges in old towns or who log, poach or illegally cultivate in the nature reserves. It is then protection "from," rather than "for," the communities that moves to the forefront.

The case is slightly different with the increasingly popular category of Cultural Landscapes introduced in 1992 (Gfeller 2013; Rössler 2006). Here, human interaction with the landscape is constitutive for OUV. In the ICOMOS evaluations and the "statements of OUV" adopted by the Committee, there is a certain tendency to romanticize communities and their relationship with the land. This applies particularly to the "anthropological" realm of myths, oral history and ritual practices linked to the site, where the often rather sweeping claims in the nomination files are taken at face value by ICOMOS whose conservationist members have backgrounds more in architecture, art history or archaeology.[3] When the interaction between people and sites is ongoing and physically shapes and maintains the land-

---

[3] See, for instance, the ICOMOS evaluation of Chief Roi Mata's Domain in Vanuatu where an "oral history," unspecified in its social scope and temporal depth, is identified as the source of indisputable authenticity (http://whc.unesco.org/archive/advisory_body_evaluation/1280.pdf, p. 95 <accessed February 21, 2014>), despite the weak connection of the sites to the historical figure of the last paramount chief; or the similar justification of site authenticity in the ICOMOS evaluation of Le Morne Cultural Landscape in Mauritius
(http://whc.unesco.org/archive/advisory_body_evaluation/1259bis.pdf, p. 3 <accessed February 21, 2014>). This is not to question the validity of the claims, but rather to point out the absence of critical examination in the evaluations.

scape, such as in wine regions or rice terraces, the activities of communities are practically needed for conservation. Even here, however, the manuals and programmatic texts prepared by the World Heritage Center and ICOMOS (e.g. Mitchell et al. 2009) focus on communities most of all as a tool. It is important to involve them, but they are construed neither as the supreme experts about the sites nor their rightful owners.

The most important obstacle, however, is that World Heritage is the object of a convention between nation states. The decision to nominate a site is a prerogative of States Parties and their governments. The Committee as the supreme decision-making organ is assisted by the World Heritage Center, ICOMOS and IUCN, but it is itself an intergovernmental body composed of 21 nation states, elected for staggered terms of currently four years by all treaty states. While the Convention asks for experts to be sent to the meetings, these states are sovereign as to whom they choose as their representatives, and often, World Heritage experience is no criterion of selection. In this environment, the nation-state version of what happens at the sites is the default version, which requires a conscious challenge to dislodge it (for similar observations in other UN fora, see Billaud forthcoming; Cowan 2013; Fresia 2013). When this version is called into question in the Committee meetings, the State Party's view often prevails because of the general mood of friendliness where, compared to other UN arenas, such as the Security Council, the stakes are not quite so high. There is also intense lobbying and trading of favors between the state delegations, particularly since the 2010 session (Brumann 2011; Meskell 2013b, 2014). Depending on the democratic situation in the respective state, a delegation's version may actually be obliged to incorporate community viewpoints, but obviously, the extent to which it does so varies widely between the states.

Live voices from site communities are not a routine part of session proceedings. They may play an indirect role in the nomination process and in the inspection missions dispatched to evaluate candidate sites and to monitor the state of conservation of the already inscribed sites, but then, they reach the Committee only in the processed form of dry and slightly bureaucratic reports, not directly. Self-declared eye witnesses venture to report site conditions during the sessions, but they are rarely part of site communities: A recurring phenomenon in recent sessions have been the delegates who claim to have just visited the site under discussion and, on this basis, deny the problems found by the World Heritage Center, ICOMOS and IUCN. Yet for site communities, there is no provision that would give them a routine role in the Committee sessions.

Such communities can resort to other ways to transmit their views and grievances, for example, by appealing to the center and the advisory bodies. A lot of whistle-blowing reaches these organizations and prompts them to ask the States Parties for "SOC reports" (state of conservation reports) and to invite monitoring missions. It is also possible for site community representatives to participate in the Committee sessions proper, most commonly as part of their state delegation, and

they will then sometimes be recognizable by wearing traditional dress rather than the business attire of almost everyone else. As the States Parties of the candidates and sites do not have a special role to begin with, do not give a presentation of their nomination or site, and are, at least in principle, given the floor only when asked specific questions by Committee members, these community representatives then typically become visible only when an inscription has taken place. Then, small clusters of cheering, hugging and waving people form in the hall, disrupting the bureaucratic and often slightly dull atmosphere of the proceedings, and delegates from other States Parties walk over to offer their congratulations. Community representatives sometimes also feature in the short acceptance speeches given by a State Party delegation after a new inscription on the World Heritage List. They may then say a few words themselves, such as an inhabitant of the Western Ghats in India who asserted how overjoyed everyone at home was about their World Heritage inscription in the Committee session of 2012, or their presence in the hall may be emphasized, such as when, in the same session, after the inscription of seven decorated farmhouses in Hälsingland, the Swedish delegate mentioned that several of the proud inhabitants of these houses were sitting next to him.

All this is at the mercy of state delegations, however, and when local communities want to present a dissenting viewpoint, this is usually more difficult. Participation as an observer in the sessions is principally possible, as is being given the floor by the chairperson, but even when the challenges of travel and accommodation are mastered, there is no guidance for the uninitiated how to access the meetings and when and how to ask for the floor, creating considerable uncertainty and reliance on gatekeepers, who themselves are state delegates or secretariat staff. When a community representative manages to overcome these hurdles, speaking time is limited to two minutes, not the three minutes of States Parties, and non-state delegates may usually speak only once and at the end, whereas State Party delegates are often given the floor repeatedly. That the latter are also much more experienced in the expected discourse goes without saying. All this means that I witnessed only a handful of such dissenting interventions, usually from participants of the richer countries, such as France, and they seemed to have a very limited effect on the Committee debate.

Therefore, in sum, site communities end up relegated to the sidelines in an intergovernmental forum where state representatives meet, jealously guarding their national sovereignty. On the basis of mutuality, they are reluctant to challenge the default assumption that other state delegates and the national governments behind them legitimately represent their citizens' views, including those of the site communities.

4   The Indigenous Challenge

The most sustained challenge to nation-state control has come from indigenous activists. As early as the late-1990s, the World Heritage Committee was accused of ignoring indigenous rights, particularly in the drawn-out conflict about the Jabiluka mine in the Australian World Heritage property of Kakadu National Park (Logan 2013). In the 2000 Committee session in Cairns, Australia, demands for setting up an additional advisory body to the Convention, the World Heritage Indigenous Peoples Council of Experts (WHIPCOE), were raised, enjoying the support of Australia, New Zealand and Canada. A working group was entrusted with a feasibility study. However, when presenting the results to the Committee in Helsinki the following year, these were virtually shredded to pieces, particularly by China and India who, generally wary of indigeneity for fear of encouraging separatism, usually argue that this is a problem of postcolonial settler states, not of countries like theirs where everyone is indigenous. No further funding for exploring WHIPCOE was budgeted, and with that, the idea was effectively aborted (Meskell 2013a).

Yet things have moved on, particularly with the adoption of the 2007 United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the activities of the United Nations Permanent Forum on Indigenous Issues (UNPFII), a consultative body of the United Nations Economic and Social Council (ECOSOC) that meets every year at UN Headquarters in New York (on this significant development and the challenge that indigenous "peoples" present for a state-based world order, see Bellier 2013; Muehlebach 2001; Oldham and Frank 2008; Peterson 2010). Recent interventions coming from the Permanent Forum have kept targeting the World Heritage system. In both 2011 and 2012, the Committee and UNESCO received a joint statement by more than 70 NGOs for indigenous rights which deplores an insufficient implementation of UNDRIP in the context of the World Heritage Convention. In particular, the two statements complained that the "free, prior and informed consent" of the indigenous inhabitants of a World Heritage candidate site is not regularly sought, contrary to the stipulations of UNDRIP, where it is mandatory for any activities significantly affecting indigenous territories.[4] Three nominations up for decision in 2011 – the Western Ghats in India, the Kenyan Lake System in the Rift Valley (in particular Lake Bogoria) and the Sangha Trinational Nature Reserve straddling Cameroon, the Central African Republic and Congo – were singled out as cases in point. In addition, the statements demanded regular consultations and the resumption of the WHIPCOE idea of a permanent consultative body. Permanent Forum representatives now regularly attend Committee meetings, and NGOs representing indigenous rights made short but rather critical statements in both the 2011 and the 2012 session.

---

[4] http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf <accessed February 21, 2014>.

This change of the tide has not been entirely ignored. No. 62 of the official periodical *World Heritage Review* was dedicated to "World Heritage and Indigenous Peoples" in 2012 and featured an interview with the Permanent Forum Chair, Myrna Cunningham, who voices moderately phrased criticism (Sinding-Larsen 2012: 54–57), and the commitment of ICOMOS to a rights-based approach mentioned above (58–60). There is also every readiness now to celebrate indigenous cultures when these are part of the significance of cultural landscapes, as already mentioned above. The category was very much conceptualized around such cases to begin with, and the two first nominations were for Tongariro National Park in New Zealand and Uluṟu-Kata Tjuṯa National Park (Ayers Rock) in Australia, that is, sites already on the list as Natural Heritage which because of their supreme spiritual importance for indigenous groups, were then also inscribed for their cultural dimension in 1993 and 1994, respectively.

State delegations also feel compelled to react to the charges. As already mentioned, the Indian ambassador to UNESCO had a jubilant local give the acceptance speech for the Western Ghats, an unusual step that was clearly meant to show that local communities did not all resist the listing. The Kenyan ambassador in 2012 denied all accusations concerning Lake Bogoria and declared her government's readiness to engage in a direct dialogue. The Australian delegation, against which no complaints had been raised, took the occasion of the acceptance of a small extension to the Tasmanian Wilderness World Heritage Site to let an Aboriginal representative speak, first in his indigenous language and then in English, and the Russian chairperson duly declared her delight about this "gift" to the Committee, without saying what exactly the gift was. Somewhat accidentally, on the last day of the 2011 session in Paris, in an almost empty hall and with a few dozen tired delegates only half aware of what they were doing, the Committee adopted a decision encouraging States Parties to involve indigenous peoples and local populations in decision-making, monitoring and the evaluation of World Heritage candidates and sites and to respect their rights (decision 35 COM 12 E, paragraph 15e-f). The IUCN evaluation of Sangha Trinational in 2011, clearly underlines the principal compatibility of indigenous park use with World Heritage status as a nature reserve, expresses concern about the fact that two of the three nominating countries do not acknowledge it, and wonders why the possibility of a mixed natural and cultural nomination had not been considered (document 35 COM INF.8B2, English version, pp. 5–12). The IUCN evaluation of the Western Ghats in 2012 also mentions allegations that indigenous rights had been passed over, calling for respecting UNDRIP (document 36 COM INF.8B2, English version, pp. 53–59).

The receptiveness to indigenous concerns is certainly growing, particularly in programmatic texts and among the advisory bodies and the Center, and quite a few state delegations on and off the Committee are sympathetic or have at least learned to give this impression. Yet, when the concerned State Party claims that all is well, it usually prevails nonetheless. The Kenyan Lake System was listed in 2011 and the Western Ghats and the Sangha Trinational followed in 2012. This was not just

because of the state delegations and their self-interested lobbying, since IUCN also compromised in its second evaluation of Sangha Trinational in 2012: While noting that the revised nomination file still did not consider cultural heritage and that indigenous inhabitants had found the consultation process with government authorities wanting, it nonetheless recommended inscription on the World Heritage List, suggesting that the large buffer zone around the park might provide an alternative basis for indigenous livelihoods (36 COM INF.8B2, English version, pp. 40–49). Obviously, getting a nature reserve of 750,000 hectares on the World Heritage List – the single most powerful designation for nature conservation, as an IUCN representative told me – was too good to resist. Additionally, the relatively progressive and half-accidental Committee decision of 2011 mentioned above only "encourages" states to respect indigenous rights and does not make this mandatory, and indigenous empowerment through an independent consultative body along WHIPCOE lines is nowhere in sight at this point.

Therefore, in sum, World Heritage site communities continue to remain outside the picture painted about the sites during the World Heritage Committee sessions or are only in it to the degree that their nation state wants them to be. The general trend of indigenous empowerment on the UN level will certainly keep the issue on the agenda, but any change is likely to be piecemeal rather than dramatic.

5   Communities of Meeting Participants, Experts, and Diplomats

There is, however, a further factor that the local communities at World Heritage sites are also up against, and this is the communities in the World Heritage arena proper. One could see the entire World Heritage Committee session comprising more than 1,000 participants – coming with the state delegations, the World Heritage Centre, the advisory bodies, or as observers for other organizations – as a community or rather as *communitas* in Victor Turner's classic sense (1969: 94–203). *Communitas* refers not so much to the long-standing communities in everyday life, but to the spontaneous bonding and breakdown of pre-established hierarchies between the participants in extraordinary group experiences, such as rituals, pilgrimages or military basic training, that form the liminal interstices between stable everyday social situations. Indeed, this global event with its many and often lavish receptions, cultural performances, guided tours, meals, and after hours in bars, bringing together a highly international crowd from more than 150 countries and graced by the presence of government ministers and other dignitaries, certainly has a liminal and festive atmosphere to it. It could hardly be more distinct from what at least the non-diplomatic participants are used to in their everyday lives, and it brings them into a situation where many of their usual routines no longer apply and where, at least outside the meeting hall with its clear seating order, relative rank and importance is not always immediately obvious, making everyone equal.

Communitas also arises spontaneously within more circumscribed subsets of participants: During the 2012 Committee session in St. Petersburg, for example, I stayed in the eponymic hotel which, in a very expensive city, was one of the few choices covered by my research budget. Very much for the same reason, it had also attracted a motley crew of other delegates from the not quite so affluent countries, such as Chile, Cuba, the Czech Republic, Namibia, and Kenya. Jointly grappling with the many idiosyncrasies of the hotel and jointly waiting and chatting on the shuttle bus rides to the meeting venues and back, while taking care that nobody in the group was left behind, created a vague sense of belonging together. One night when the shuttle bus driver was checking the destination hotels after one of the receptions, the group members spontaneously started to chant their hotel name, somewhat like in a football stadium, to everyone's incredulous delight. Another expression of *communitas* I repeatedly witnessed, also in the shuttle buses, was what one could call Committee joking: One participant started to apply the technical terms and typical phrases heard during the day to the World Heritage sites and processes to an unlikely subject, asking for comparative evaluations, statements of OUV, inscription criteria, or management plans for such things as the hotels, food served, female passers-by, or participants in the group, and immediately, others were picking up on this, each trying to better the previous joke. Part of the escalating merriment was certainly due to everyone's awareness that this kind of fun would be completely lost on anyone who has never sat in a Committee meeting, an experience which they, despite their very diverse nationalities and professional backgrounds, all shared.

The participants in their entirety, or at least significant portions, can also become enmeshed in a *communitas* of shared emotion. I have elsewhere described the difficulty of the Committee during the St. Petersburg session to break its procedural routines and react to the destruction of World Heritage tombs and mosques in Timbuktu by the Islamist insurgents then in control of northern Mali; an act of defiance against UNESCO after the Committee had put these sites on the List of World Heritage in Danger a few days earlier (Brumann forthcoming). Even with what was a slow reaction, however, the Malinese Cultural Minister's tears touched many participants, and the sadness expressed in the session debate, when publicly reading an appeal in front of the media or in a small reception in the presence of the minister, appeared genuine.

While such spontaneous community sentiments end with the session, there are also the more durable ones formed by the Committee regulars. The most stable community is that of the heritage experts, or rather, the two communities of cultural and natural heritage experts, with some having connections in both. Many among the advisory body personnel, the State Party delegates and the specialized Center staff have known each other for years, even decades, and have met countless times at the sessions and General Assemblies, the string of expert meetings on specific topics held throughout the year around the world, the meetings and conferences of the advisory bodies and their national and thematic sub-groupings, the

training sessions for site managers, the evaluation and monitoring missions to the sites, the workshops that candidate sites organize in order to prepare their nominations, and – last but not least – parties, such as the "Green Machine" gathering of the nature experts that takes place at each session. Some have also changed sides in the course of time, working for more than one of the participating organizations. This community of experts was very much in charge of World Heritage policies and decisions up until the late 1990s. While there is no reason to assume that national interests, lobbying and the swapping of favors played no role back then, this community shares a commitment to conservation, and the experts usually have some first-hand knowledge of the sites which, at least in some cases, may extend to familiarity with site communities. Experts being experts, this community was certainly not obsessed with the participation of lay communities and indigenous rights, but the WHIPCOE idea, for example, emerged with it. Were it still in command today, I think that there would be more openness to community empowerment.

However, as I have traced more fully elsewhere (Brumann 2014), the experts are no longer at the helm. Since the late 1990s when the meetings grew into global events and World Heritage became a household name, ordinary career diplomats have taken over, and, particularly in the western states, many of these have backgrounds in unrelated fields such as law. It is increasingly the ambassadors, that is, the nation states' permanent delegates to UNESCO, that head the delegations and speak most of the time. They are practiced and polyglot public speakers, and, most of all, they are experienced negotiators who know that every favor requires a return.

During the Committee session, these UNESCO ambassadors celebrate their own community, as a recognizable subset of the wider community of all participants, to the degree that the latter arises. The ambassadors' mutual acquaintance is significantly shorter than that of the experts and may only go back a few years or even months. Their interaction in UNESCO headquarters in Paris, where some of them also have their offices, is rather intense, however, and includes everything falling under UNESCO purview, not just heritage. Among themselves, they use first names, and there is much ostentatious friendliness with wide-armed hugs and cheek-kissing put on display at the many social events and receptions in Paris and during the evenings of the Committee sessions. Social dancing with each other at the reception after having fought intensely during the day is by no means beyond them. Exuding an unmistakable air of being in control of the game, they draw subtle distinctions, such as by referring to each other during the session as "my honorable/esteemed colleague from (country X)," a practice that non-ambassadors never engage in. Even those ambassadors who insist on proper procedure during the sessions and are immune to horse-trading will usually not challenge this consensus of behaving as an elite circle of international friends, in an exercise of

conspicuous intimacy. Of course, the usual weight classes of international politics also apply at UNESCO, but, at least in terms of social etiquette, much effort is being put into behaving as if this were an undifferentiated group of peers.

This elite circle provides an ideal ground for lobbying one's own nation-state viewpoint and making deals, certainly more smoothly than between people who meet less frequently and are more of a virtual community than this one that is very localized in the upscale part of the Parisian Rive Gauche that houses the UNESCO buildings. Rather naturally then, these deals of mutual support privilege nation-state interests to defend which the diplomats are seconded to UNESCO, after all. Given that they are not particularly committed to heritage to begin with, their objectives are often different from those of the experts, and in those cases where they are not under orders anyway, contributing to world peace, friendly intergovernmental relations or global equity may be more important to them than the conservation of a given heritage site.

This diplomatic community may have passed its prime in the Committee sessions, however. As part of the half-accidental decision of 2011, full press access and an internet live-stream was decided for future sessions. When this was put into effect in 2012, some Committee delegations were suspected of being under remote control from their home ministries by others, receiving text messages with detailed instructions what to say next. One delegate was rumored to have been ordered home immediately when what he said infuriated the head of state of a neighboring country who watched the live-stream and then complained to his colleague in office, the delegate's president. I expect that this unanticipated consequence of transparency will constrain the diplomats' freedom of negotiation among peers and will gradually turn them into mere mouthpieces of distant governments.

6 Conclusion

Following general trends, but also egged on by the new rival of the 2003 Convention, the organizations within the arena of the World Heritage Convention have stepped up efforts in recent years to acknowledge community and, more specifically, the local communities living in or near World Heritage properties. There is a readiness now to celebrate the term and its assumed referent, social intimacy in small-scale groupings, and this includes indigenous communities which for a long time were perceived as a challenge to a multilateral arena based on exchanges between sovereign nation states. There is no denying that the mood has shifted in significant ways and no longer allows for too blunt expressions of *raison d'état*; the World Heritage Committee cannot completely ignore that which the Intangible Cultural Heritage Convention has ennobled to such a high degree.

However, even though the likes of India or Australia now feel compelled to put community representatives on strategic display during the sessions, the agency of site communities in the World Heritage sessions remains constrained. This is

partly due to time pressure, the work load of the convention secretariat and adviso-
ry bodies, and the fact that the Convention aims to protect the cultural and natural
wonders of the sites, but not the communities living there. More significantly, the
Convention is a treaty between nation states that, on the basis of reciprocity, are
reluctant to challenge one another's sovereignty, given also that backing another
state delegation's version of on-site realities may be reciprocated by support for
one's own delegation's version when needed. The actual representatives of site
communities are often lost as to how to make their concerns heard on the global
stage, at least when they are not shepherded by their own state delegations to play
rather staged parts. In many cases, the national level is the more promising arena
or, more precisely, the only arena where they can hope to achieve anything at all.

There is a community in place for sustaining this *modus vivendi*, that of the dip-
lomats seconded to UNESCO by their nation states who form a short-term, cer-
tainly instrumental, but also rather close-knit and conspicuously displayed social
microcosm at the Parisian headquarters. This community has eclipsed the more
durable community of heritage experts which increasingly occupies the back seats
of state delegations and whose recommendations, when coming from the World
Heritage Center and the advisory bodies, are overruled with ever less compunc-
tion. While the community of ambassadors and diplomats is an undeclared one
and may itself fall prey to the possibility of long-distance monitoring that live-
streaming the session on the internet has opened up, for the time being, it remains
much more decisive for World Heritage decision-making than the local communi-
ties populating the almost 1,000 World Heritage properties.

References

Bellier, Irène (2013): "We indigenous peoples ...": Global activism and the emergence of a new collective subject at the United Nations. *In* The gloss of harmony: The politics of policy-making in multilateral organisations. Birgit Müller, ed. Pp. 177–201. London: Pluto Press.

Billaud, Julie (forthcoming): Keepers of the truth: Producing "transparent" documents for the UN Universal Periodic Review. *In* Assessing the Universal Periodic Review: Rights, ritual, ritualism. Hilary Charlesworth and Emma Larking, eds. Cambridge: Cambridge University Press.

Breglia, Lisa C. (2006): Monumental ambivalence: The politics of heritage. Austin: University of Texas Press.

Brumann, Christoph (2011): Unser aller Kulturgut: Eine ethnologische Annäherung an das UNESCO-Welterbe. Sociologus 61: 19–43.

– (2012): Multilateral Ethnography: Entering the World Heritage Arena. Max Planck Institute for Social Anthropology, Working Paper 136. http://www.eth.mpg.de/cms/en/publications/working_papers/pdf/mpi-eth-working-paper-0136.pdf <accessed February 21, 2014>

– (2014): Shifting tides of world-making in the UNESCO World Heritage Convention: Cosmopolitanisms colliding. Ethnic and Racial Studies 37: 2176–2192.

– (forthcoming): Imagining the ground from afar: Why the sites are so remote in World Heritage Committee sessions. *In* World Heritage on the ground: Ethnographic perspectives. Christoph Brumann and David Berliner, eds.

Cowan, Jane K. (2013): Before audit culture: A genealogy of international oversight of rights. *In* The gloss of harmony: The politics of policy-making in multilateral organisations. Birgit Müller, ed. Pp. 103–133. London: Pluto Press.

Fresia, Marion (2013): The making of global consensus: Constructing norms on refugee protection at UNHCR. *In* The gloss of harmony: The politics of policy-making in multilateral organisations. Birgit Müller, ed. Pp. 50–74. London: Pluto Press.

Gfeller, Aurélie Elisa (2013): Negotiating the meaning of global heritage: "Cultural landscapes" in the UNESCO World Heritage Convention, 1972-1992. Journal of Global History 8: 483–503.

Groth, Stefan (2012): Negotiating tradition: The pragmatics of international deliberations on cultural property. Göttingen Studies in Cultural Property 6. Göttingen: Universitätsverlag Göttingen.

Hafstein, Valdimar Tr. (2009): Intangible heritage as a list: From masterpieces to representation. *In* Intangible Heritage. Laurajane Smith and Natsuko Akagawa, eds. Pp. 93–111. London: Routledge.

Hauser-Schäublin, Brigitta, ed. (2011): World Heritage Angkor and beyond: Circumstances and implications of UNESCO listings in Cambodia. Göttingen: Universitätsverlag Göttingen.

Joseph, Miranda (2002): Against the romance of community. Minneapolis: University of Minnesota Press.

Joy, Charlotte (2011): The politics of heritage management in Mali: From UNESCO to Djenné. Walnut Creek: Left Coast Press.

Logan, William (2013): Australia, Indigenous peoples and World Heritage from Kakadu to Cape York: State Party behaviour under the World Heritage Convention. Journal of Social Archaeology 13: 153–176.

Meskell, Lynn (2013a): UNESCO and the fate of the World Heritage Indigenous Peoples Council of Experts (WHIPCOE). International Journal of Cultural Property 20: 155–174.

 – (2013b): UNESCO's World Heritage Convention at 40: Challenging the economic and political order of international heritage conservation. Current Anthropology 54: 483–194.

– (2014): States of conservation: Protection, politics, and pacting within UNESCO's World Heritage Committee. Anthropological Quarterly 87: 217–244.

Mitchell, Nora, Mechtild Rössler, and Pierre-Marie Tricaud, eds. (2009): World Heritage cultural landscapes: A handbook for conservation and management. Paris: UNESCO.

Muehlebach, Andrea (2001): "Making place" at the United Nations: Indigenous cultural politics at the U.N. Working Group on Indigenous Populations. Cultural Anthropology 16: 415–448.

Müller, Birgit, ed. (2013): The gloss of harmony: The politics of policy-making in multilateral organisations. London: Pluto Press.

Oldham, Paul, and Miriam Anne Frank (2008): "We the peoples": The United Nations Declaration on the Rights of Indigenous Peoples. Anthropology Today 24: 5–9.

Peterson, M. J. (2010): How the indigenous got seats at the UN table. The Review of International Organizations 5: 197–225.

Probst, Peter (2011): Osogbo and the art of heritage: Monuments, deities, and money. Bloomington: Indiana University Press.

Rössler, Mechtild (2006): World Heritage cultural landscapes: A UNESCO flagship programme 1992-2006. Landscape Research 31: 333–353.

Salamandra, Christa (2004): A new old Damascus: Authenticity and distinction in urban Syria. Bloomington: Indiana University Press.

Sinding-Larsen, Amund (2012): Our common dignity: Rights-based approaches to heritage management. World Heritage Review 62: 58–60.

Turner, Victor Witter (1969): The ritual process: Structure and anti-structure. London: Routledge & Kegan Paul.

UNESCO (1972): Convention Concerning the Protection of the World Cultural and Natural Heritage.
http://whc.unesco.org/en/conventiontext <accessed February 21, 2014>

– (2003): Convention for the Safeguarding of Intangible Cultural Heritage.
http://www.unesco.org/culture/ich/index.php?lg=en&pg=00006 <accessed February 21, 2014>

– (2011): Preparing World Heritage nominations. (Second edition). Paris: UNESCO. http://whc.unesco.org/uploads/activities/documents/activity-643-1.pdf <accessed February 21, 2014>

Wolfrum, Rüdiger (2009): Common heritage of mankind. *In* Max Planck Encyclopedia of Public International Law. Rüdiger Wolfrum, ed. http://www.mpepil.com <accessed February 21, 2014>

Imaginations, Constructions and Constraints: Some Concluding Remarks on Heritage, Community and Participation

Markus Tauschek
Kiel University

When UNESCO adopted the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003, a new heritage concept was transformed into a mighty global policy. According to many authors (see Bortolotto in this volume), new notions of heritage and new criteria concerning the definition of the heritage within this new policy were established, globally spread and finally translated into national heritage policies (cf. Bendix, Peselmann and Eggert 2012). In the realm of the intangible heritage convention, heritage is no longer material or monumental, nor is it of outstanding universal value. Rather, intangible heritage

> means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts 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.[1]

---

[1] Convention for the Safeguarding of the Intangible Cultural Heritage:
http://www.unesco.org/culture/ich/en/convention <accessed September 16, 2014>.

In this perspective, communities and groups themselves will identify their own valuable heritage. Heritage here is no longer of outstanding universal value – it has to be representative for a certain group of actors. Conceptualized as "bearers" of traditions, social actors who, for example, perform a certain tradition, will guarantee the vitality of their intangible cultural heritage, which then is understood as an important cultural resource. Cultural anthropologists and ethnologists, especially, criticized UNESCO's perspectives on communities and the consequences intangible heritage interventions have for the production and organization of popular culture. Ellen Hertz (in this volume), for example, points to a great number of conundrums and even contradictions in UNESCO's concepts of community and participation (see also Kuutma 2012: 27). As Dorothy Noyes has already pointed out in a working paper on traditional culture, most of UNESCO's definitions and concepts do not take into account the complex nature of traditions, performative culture or folklore. She criticizes essentialist notions of community: "Too simple: Folklore is created and owned by a community (a group). It is thus different in kind from authorcreation or networked scientific and technological innovation. A community is a natural group, bounded and homogeneous. Once the tradition is created it is generally stable unless there is outside interference."[2]

In contrast to this simplistic view of cultural production and its rootedness in specific groups, Noyes shows that communities are heterogeneous for different reasons and that this heterogeneity is even a very central aspect of traditional culture and its dynamics (cf. Noyes 2003). The consequences of UNESCO's concepts of community, as well of UNESCO's efforts of community participation are well documented in many ethnographic case studies (cf. Eggert 2010; Hauser-Schäublin 2011; Bortolotto 2012; Tornatore 2012; Kuutma 2007). These are, for example, transformations in social relations when single actors proclaim to speak for an entire group, the "re-racialization of culture"[3], different forms of instrumentalization, and new relations of different social actors and collectivities to a nation state (cf. Noyes 2006). From a cultural anthropological point of view, the critique of essentialist notions of community is based on broad empirical research as well as on theoretical reflections (cf. Kirshenblatt-Gimblett 2004; Bendix 2009; Smith 2006; Noyes 2012).

Various contributions in this volume show that the link between heritage, community and participation is more than complex. First, an important differentiation points to the tension between conceptual or programmatic definitions and approaches to community in UNESCO's documents, conventions, guidelines, etc., on the one hand, and communities performing a certain ritual, for example, on the other. In a structuralist perspective, one could even argue that this

---

[2] Noyes, Dorothy: Traditional Culture: How Does it Work?:
http://scholarworks.iu.edu/journals/index.php/mar/article/view/1046/1120 <accessed October 3, 2014>.
[3] Noyes, Dorothy: Traditional Culture: How Does it Work?:
http://scholarworks.iu.edu/journals/index.php/mar/article/view/1046/1120 <accessed October 3, 2014>.

differentiation is based on the relationship between "signifiant" and "signifié". Certainly, both dimensions are inseparably intertwined: UNESCO's normative and political perspectives on communities and participation influence understandings, and the performative and discursive construction of community on the ground vice versa.

Given this background, this article argues that, from the perspective of science and technology studies, community, in the context of UNESCO's heritage policy, can be interpreted as a form of assemblage composed by, for example, practices, norms, moral concepts, normative policies, performances and a set of very different actors (see also Macdonald 2013: 5–7; Harrison 2013: 31–32). These actors are arguing and acting within very different frames and cultural or institutional logics, as, for instance, Christoph Brumann argues (in this volume). From the perspective of a symmetrical anthropology discussed by Bruno Latour, all actors within UNESCO's heritage policy – Brumann talks of experts as well as diplomats, etc. – build a temporally delimited community during sessions or expert meetings. However, within this performative construction process of a heterogeneous community, legal texts, guidelines, application forms – as discussed by Nicolas Adell in this volume – and so on, can also be conceptualized as powerful actants (see Akrich and Latour 1992: 259; Harrison 2013: 32–33) which have their own agency and which, for example, influence the definition, interpretation or valorization of cultural heritage.

The following three examples discuss some crucial aspects of cultural heritage and community as a form of assemblage. My main argument here is that, borrowing the idea of translation from science and technology studies discussed by Michel Callon (1986), heritage policy and practices are the result of the successful construction of a social network composed of different human and non-human actors. This perspective, which eventually deconstructs UNESCO's heritage interventions, can lead to a deeper understanding of cultural heritage in late modernity as Callon's translation theory asks how actors define and take specific roles within a functioning network, how alliances are built and how actors follow an identical goal even if they may have different personal motivations. All these processes can also be observed when UNESCO, national or subordinate organizations and institutions identify, proclaim, manage and – from an analytical point of view – invent cultural heritage.

1   Past communities, present communities and the challenge of national borders

Societies negotiate and, at the same time, discursively produce their pasts through cultural heritage interventions and policies – Barbara Kirshenblatt-Gimblett describes this well. Within this construction process, heritage "produces something new in the present that has recourse to the past" (Kirshenblatt-Gimblett 1995: 370).

Present representations of history, for example, the valuation and preservation of historic monuments, the negotiation of history within museum displays, always have very concrete functions in the present (cf. Macdonald 2013). The broad literature on collective memory and on the production of national coherence in the 19th century, for example, documents these functions. From this perspective, the history of heritage (as concept and as cultural practice) can even be understood as a history of the construction of social coherence and of collective identity. In its history, generally argued, heritage and related concepts served as a strategic tool in order to produce "imagined communities" (cf. Anderson 1983).

An almost paradigmatic example, therefore, is UNESCO's nomination of historic belfries in the border region between France and Belgium. UNESCO's explanation of the inscription points to the strong symbolic dimension of the buildings:

> Twenty-three belfries in the north of France and the belfry of Gembloux in Belgium were inscribed as a group, an extension to the 32 Belgian belfries inscribed in 1999 as Belfries of Flanders and Wallonia. Built between the 11th and 17th centuries, they showcase the Roman, Gothic, Renaissance and Baroque styles of architecture. They are highly significant tokens of the winning of civil liberties. While Italian, German and English towns mainly opted to build town halls, in part of north-western Europe, greater emphasis was placed on building belfries. Compared with the keep (symbol of the seigneurs) and the bell-tower (symbol of the Church), the belfry, the third tower in the urban landscape, symbolizes the power of the aldermen. Over the centuries, they came to represent the influence and wealth of the towns.[4]

---

[4] http://whc.unesco.org/en/list/943 <accessed September 30, 2014>.

Belfry of Brugge (Belgium); Author: L. Ellis; Source:
http://www.flickr.com/photos/lellis_sjca/182773877/ <accessed January 15, 2015>.

The extension of the listing realized in 2005 reacted to a new contextualization of the buildings. The first nomination in 1999 had already been the result of an interesting negotiation process. The International Council on Monuments and Sites (ICOMOS) claimed a new and different interpretation of the belfries in its evaluation of the first application dossier dating from July 1998. The first application by Belgium only proposed belfries in Flanders, the Flemish-speaking part of Belgium, as future cultural heritage of outstanding universal value. This national, or better federal focus on a specific heritage was based on the federal organization of the Belgian state that is composed of three linguistic communities (the so-called French-speaking, the Flemish-speaking and the German-speaking community).

However, ICOMOS pointed to a quite different reading. The evaluation underlined the importance of a historical space that is quite different from the current borders of nation states. ICOMOS argued:

> There is no doubt of the distinctive nature of the Flemish belfries. Their location in the ancient County of Flanders is unique to this region. The borders of the ancient county spill over into parts of what are now the Netherlands, France, and the Walloon Province of Belgium. Belfries are to be found in each of these different regions, testifying that these are indeed a tradition specific to Flanders. […] Whilst ICOMOS has no reservations about the value of the Flemish belfries, it is conscious that they represent a phenomenon that was characteristic of the ancient County of Flanders and not merely the modern Belgian Provinces of Oost- and West-Vlaanderen. As pointed out above, fine examples are to be found in the Walloon Province of Belgium. [5]

Consequently, ICOMOS referred the nomination to Belgium, who obviously reacted with a new and modified application that also contained belfries in the French-speaking part of the country, so that the differently composed serial heritage site was listed in 1999. Another modification was realized in 2005 with the extension mentioned already when the title of the item was also changed: The heritage site was transformed from "The Belfries of Flanders and Wallonia" into "The Belfries of Belgium and France".

From an analytic point of view, the title of the inscription points to a crucial friction: Whereas, in the nomination process, scientific experts argued with a certain historical landscape (the ancient county of Flanders), the naming of the world heritage site refers to recent national (or until 2005, federal) borders. The first application dossier reproduced present differences within a nation state – the difference between two linguistic groups and two federal spaces; however, the last extension in 2005 created a new "heritage-scape" (di Giovine 2009) across different national borders and, therefore, offered new meanings that eventually fulfilled new functions.

---

[5] http://whc.unesco.org/archive/advisory_body_evaluation/943bis.pdf <accessed September 30, 2014>.

Tensions between the Flemish-speaking and the French-speaking part of Belgium today are as serious as never before due primarily to economic reasons, but the evaluation of ICOMOS underlined the homogeneity of a historical community: "All these belfries, on either side of the border, are part of a series of cultural properties belonging to the same cultural area […] and the same socio-cultural group."[6]

This interpretation reproduces a problematic container model of spaces and landscapes linked to specific groups of actors. It reflects exactly an essentialist notion of heritage and of community discussed by Dorothy Noyes at the beginning of this paper. This interpretation further shows the functions heritage fulfills today. One could argue that transnational nominations, in general, produce new scapes, and claim, as Bernhard Tschofen put it, "a community of heirs without borders" (Tschofen 2007: 24). Certainly, the evaluation of ICOMOS can also be interpreted as a sort of moral project underlining democratic ideals, the quest for liberty and independence – heritage, here, is a powerful "moral code" (Hafstein 2012: 504). Finally, one has to ask whether these interpretations and the representation and construction of a historical scape through cultural heritage also influences recent perceptions of heterogeneous actors who live at a present space that is quite different from the historical space represented.

Discussing this first example by dint of Michel Callon's translation theory, one can see how heritage is the result of a social process leading to a specific actor network. The first nomination dossier which reflected the federal structure of Belgium generated a process Callon calls "problematization" (Callon 1999: 68f.): the first interpretations of the belfries clashed with ICOMOS' perspective on the historic monuments. What followed, in Callon's wording, was a phase of "interessement" (Callon 1999: 71f.) when all actors within a forming network begin to follow the same goal. Here, the expert status of ICOMOS and the hegemonic position of UNESCO can certainly be seen as the central reason why the first nomination dossier was fundamentally reworked, which led to a new symbolic order of the non-human actors – the belfries.

2   Heritage and the (re)production of difference

The conceptual, programmatic and, finally, normative task of UNESCO's heritage policy, which also became manifest in the proclamation of the belfries in the French-Belgian border region, however, may collide with national and/or subordinate heritage policies (cf. Bendix, Eggert and Peselmann 2012). Here, heritage nominations may even be used to reproduce or discursively strengthen differences (as was also the case in the first application of Belfries in Flanders). Again, my

---

[6] http://whc.unesco.org/archive/advisory_body_evaluation/943bis.pdf <accessed September 30, 2014>.

example here focuses on heritage policy in Belgium, where the ratification of UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage caused federal frictions.

Due to enormous political and diplomatic efforts, in 2003, the Carnival of Binche, a small town in the French-speaking part of Belgium near the border with France, was proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity by UNESCO. This nomination was not only interpreted in national political contexts, but also as a symbolic valuation of the French-speaking community in Belgium, even if the Carnival had also served as a kind of national icon since the 19th century.

Consequently, political actors discussed the future proceedings concerning the nomination of future intangible heritage. The Minister of Culture of the French-speaking community in Belgium proposed, for example, that the three federal communities should work alternately on proposals for UNESCO's Masterpieces program in order to reflect the federal structure of the nation state in a suitable way. Due to this proposal and following the nomination of a cultural practice in the French-speaking part of Belgium in 2003, the Flemish-speaking community represented by the "Flemish Centre for Folk Culture" ("Vlaams Centrum voor Volkscultuur") worked out a nomination file entitled "Popinjay shooting as a paradigm of safeguarding ludodiversity in context. Traditional games in Flanders today: methods and challenges."

Despite the decision to reflect the federal organization of the state in future nomination processes and due to political pressure, the French-speaking community also elaborated a candidature file in the context of a transnational dossier entitled "Processional Giants and Dragons in Belgium and France". With this dossier, the French-speaking community not only undercut the rule that a state should only propose one candidature file per proclamation, it also increased the chances of getting the title due to UNESCO's policy of supporting transnational candidatures. The consequence was that Belgium, through its federal bodies, was involved in two different candidatures in 2005 (cf. Jacobs 2005).

Whereas the Flemish application in the context of the proclamation of Masterpieces in 2005 was not successful, the transnational candidature that was elaborated by the French-speaking community won the game. This incident caused a short but intensive debate, not only among cultural brokers in Belgium. This episode may serve as evidence that the federal heritage policy in Belgium was organized along the cultural and social logics of competition. The competing logics that can be found here interpreted the status of authorized heritage by UNESCO as a powerful resource in the context of national cultural policy.

This dimension also became manifest when the French-speaking community proclaimed the first federal Masterpieces of the Oral and Intangible Heritage (see also Demotte 2004). During the ceremonial act of this first proclamation, which was a specific form of federal translation of UNESCO's heritage policy, the federal Minister of Culture described intangible heritage as an important evidence for a

strong communitarian identity: "Culture is also the feeling of being part of a region, of a community. This sense of belonging forms to an important part of our identity."[7] In this perspective, cultural heritage as a marker of identity is conceptualized in an essentialist way: Culture, here, is directly linked to space and identity. Intangible culture seems to serve as materialized evidence for a collective identity.

This second example demonstrates the effects when a new transnational heritage policy is translated into a concrete national context, with its own history and own concepts of cultural heritage (cf. Tauschek 2010, 2012). In Belgium, the ratification of the intangible heritage convention, which itself was even used as a powerful political resource that should demonstrate Belgium's role as a nation state within UNESCO, intensified conflicts on a national level between the French-speaking and the Flemish-speaking communities. Again, arguing with Michel Callon, the conflicts here point to questions of representation (e.g. who speaks for Belgium?), as well as to the various reasons why the establishment of a actor network can be problematic or even fail.

Federal negotiations about national and federal programs to document and safeguard intangible cultural heritage eventually constructed the negotiating groups of actors discursively. Here, one has to state that the federal programs, in order to document and safeguard intangible heritage, even constructed a new – yet also historically preshaped – category: federal intangible heritage. This new category even served again to produce an imagined federal community, as one can see in the quote of the French-speaking community's Minister of Culture. Hence, the first proclamations of intangible cultural heritage in Belgium, with their emphasis on federal contexts, discursively (re)produced differences of two linguistic communities within a nation state.

3   Local Intangible Heritage and the Idealization of Community

Discussing normative aspects of the creation of intangible cultural heritage through UNESCO's heritage policy, my last example focuses on the discursive construction of a local community that performs a certain tradition. Whereas my first two examples were located on a higher, national or federal level, my last example looks at a concrete nomination process on a local level. In the case of the Carnival of Binche mentioned already, proclaimed as a "Masterpiece of the Oral and Intangible Heritage of Humanity" by UNESCO in 2003, different actors were involved in the preparation of an application dossier. That is why this nomination could also serve

---

[7] Speech of Christian Dupont, 12.05.2004, Mons. Source: Press releases on the occasion of the proclamation of the title "Chef d'œuvre du patrimoine oral et immatériel de la communauté française."

as a paradigmatic example of Callon's translation theory, as all the actors involved had to find their roles within an establishing network; they had to define goals and to convince other actors of these goals in order to build functioning allies.

First of all, there was a young art historian who, on behalf of the federal ministry of culture, should coordinate all actions concerning the nomination process. Then, there was the director of the local carnival museum, who should elaborate the written dossier. And finally, the required film was made by the president of a local film club. These actors were directly involved in the production of the application. However, there were many actors who framed this production: representatives of the local carnival association, local and federal politicians, the media and – in the perspective of a symmetrical anthropology – bureaucratic infrastructures (such as forms and guidelines) and legal texts. These non-human actors are extremely important in the emergence and global distribution of heritage regimes, as they guarantee common interpretations of concepts, definitions or legal parameters and strictly define processes.

In the case of Binche's carnival, all these actors had the task of describing a local tradition that was worthy of receiving a global title from UNESCO. This meant that local understandings and interpretations of the tradition had to fit into globally accepted characteristics and normative definitions. This process became particularly problematic when the chief of UNESCO's intangible heritage section at that time – Noriko Aikawa – visited Binche in 2003. Aikawa perceived a carnival where only men were allowed to wear the traditional costumes and, even in an interview, she officially pointed to a quite romantic conception of folk culture: "…really a very nice (…) friendship among [the] whole population dependent on the social status or age. It's a real (…) full participation of a whole community."[8]

Despite this authorized and idealized interpretation of the local tradition which ignores things such as intracommunity differences and tensions, in the professional perspective of Noriko Aikawa, the marginalization of women in the official representations of the carnival produced in the context of the UNESCO proclamation was a very problematic aspect. She warned that this could even become a strong argument against a possible proclamation. In an interview, the art historian who coordinated the application remembered the consequences of Aikawa's visit to Binche. Aikawa had claimed that the role of women should be especially highlighted in the dossier: "Well, it was really a central condition. It was impossible that a state within the European Union proposed a dossier where the role of women was denied. […] If we solved this basic scientific problem, she would give her ok to the dossier."[9]

---

[8] http://euscreen.eu/play.jsp?id=EUS_2851A40C953B4B97A82ADCC64D2D2010 <accessed October 5, 2014>.

[9] Interview with M.D., 13.10.2005.

The perspective of UNESCO's representative points directly to what Nicolas Adell called the "polyphony-monograph-dilemma" (Adell in this volume). Local descriptions of the carnival had to be modified or formatted in order to fit into global concepts of cultural heritage, or, as Barbara Kirshenblatt-Gimblett put it: "World heritage lists arise from operations that convert selected aspects of localized descent heritage into a translocal consent heritage – the heritage of humanity" (Kirshenblatt-Gimblett 2006: 170). Within this process of conversion, not only the dossier had to be reworked, but also some of the content of the film made by a local amateur filmmaker had to be changed. In a first version, one carnivalist underlined that women did not play any important role during the carnival. His personal interpretation also had to be eliminated after responsible actors of UNESCO's intangible heritage section had commented on this first version.

This example shows how a global heritage regime effects local interpretations of intangible cultural heritage (cf. Tauschek 2009). However, this example also demonstrates a specific concept of community popularized by UNESCO. This concept, which is, first of all, based on human rights, can be circumscribed as normative and idealizing. Heritage communities here, have to act and be composed in harmony with human rights, and these communities are supposed to speak with one voice. Paradoxically, the chief of UNESCO's intangible heritage section only demanded changes in the textual and visual representations of the carnival and not in the performance itself, which may again point to central contradictions in many concepts linked to the intangible heritage policy of UNESCO.

Critically, one could also state that this example of a local heritagization process unmasks the programmatic claims of community participation mentioned in article 15 of the intangible heritage convention:

Article 15 – Participation of communities, groups and individuals

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, and to involve them actively in its management.[10]

The changes UNESCO's chief of the intangible heritage section demanded finally point to hegemonic interpretations of intangible heritage and to heritage making as a "transformative process" (Hafstein 2012: 507), which also changes the relationship of social actors to their culture. However, the changes demanded also point to UNESCO's heritage policy as a tool of governance (see also Di Giovine, in this volume): "Heritage emerges from the nexus of politics and power; it is a project of symbolic domination" (Kuutma 2012: 23). Within this project, differences are domesticated in many cases (cf. Noyes 2007), and one could even argue that "the

---

[10] Convention for the Safeguarding of Intangible Cultural Heritage:
http://www.unesco.org/culture/ich/en/convention <accessed October 3, 2014>.

involvement of communities […] is predestined to being weakened by the national validation process that is necessary for heritage authorization in the UNESCO system" (Kuutma 2012: 29). The result are monolithic representations of popular culture.

4   Conclusion

The three examples discussed in this article can be understood as an empirically founded way to deconstruct UNESCO's concepts of community and heritage and the cultural practices linked to these. However, as Kristin Kuutma pointed out, deconstruction is only one task of cultural anthropological heritage studies:

> The deconstruction of an international 'authorized heritage' regime seems an obvious, though perhaps also the easiest undertaking. It is not too difficult to point out the arbitrariness and contingencies in heritage production, while it has recently become rather widespread to partake in the deconstructive academic analysis of UNESCO programs as an infamous example of cultural engineering. But what kind of agency will be gained or lost as a result of such academic exercise? What is the moral agenda of this investigation and critique? (Kuutma 2012: 32)

Kuutma's questions claim reflexive research which should critically discuss academic concepts and perspectives. Different possible ways of such reflexive approaches are presented in this volume. A first way is a wider contextualization of heritage regimes, concepts of community and participation within broader social, political or economic transformations (see, for example, the contribution of Stefan Groth in this volume): Regina Bendix compares heritage regimes with systems of patronage and Ellen Hertz focuses on political ideologies of participation in different contexts in order to problematize imaginations of a "bottom" that – in UNESCO's perspective – produces intangible heritage and is the object of a "participatory paradigm".

A second way is a consequent questioning of the researcher's role within heritage regimes, as discussed by Nicolas Adell, Jean-Louis Tornatore, Noël Barbe, Marina Chauliac or Chiara Bortolotto – which also means that we have to reflect on our moral agendas: Why is the empowerment of local actors a positive aspect? Why do we interpret national or international management of intangible cultural heritage as negative? What is our own moral basis to talk about negative or positive effects of heritage nominations (cf. Tauschek 2013: 187f.)? And how do we link this moral basis to analytical definitions of (popular) culture?

A third way to get over deconstructivist approaches is to intensify the interdisciplinary dialogue. This is particularly challenging, as interdisciplinary frictions are also one way to explain the contradictions and contingencies in UNESCO's heritage policies. Whereas legal scholars, for example, (see Urbinati and

Ubertazzi in this volume) work on common and generally applicable concepts and definitions which have a strong influence on UNESCO's heritage conventions, cultural anthropologists highlight the problematic aspects of these concepts and the various constraints, for example, of essentialist positions. Here, one could argue that cultural anthropological research should not only deconstruct legally shaped positions, but that we should also try to understand the cultural logics of these positions and their various circulations. Within such a perspective, we should also be aware that our perspectives on cultural heritage only offer "partial truths" (Clifford 1986). Valdimar Hafstein rightly emphasized that heritage is "a particular régime of truth: the patrimonial régime, all at once material and ethical, economic and emotional, scientific and sensory" (Hafstein 2012: 502). One sometimes has the impression that even cultural heritage studies share unarticulated and even unreflected normative positions which may also form a certain regime of truth.[11]

To conclude, the perspective of assemblage discussed at the beginning of this paper may be a fruitful approach: Cultural heritage is an assemblage of actors, ideas, concepts, practices and discourses, and – from the perspective of discourse analysis – cultural heritage is also an assemblage of scientific approaches (legal, anthropological, sociological, etc.) which are all shaped by their own disciplinary traditions of thinking about certain concepts – tradition, community, past, participation, etc. This assemblage, which is – through processes of translation – the basis for specific actor networks, has an important historical dimension and, today, this assemblage is, to a high degree, multi-layered: Different institutional, disciplinary or bureaucratic logics are intertwined in a very complex way on transnational, national, federal or local levels (cf. Tauschek 2012). A central consequence of this assemblage character of cultural heritage is that multi-sited approaches are needed (see Kuutma 2012: 33), as well as more comparative research. The contributions of this volume are one step in this direction.

---

[11] This hypothesis could be discussed with a critical look on the so-called "Critical Heritage Studies" (http://www.criticalheritagestudies.gu.se/, <accessed October 8, 2014>).

References

Akrich, Madeleine, and Bruno Latour (1992): A Summary of a Convenient Vocabulary for the Semiotics of Human and Nonhuman Assemblies. *In* Shaping Technology/Building Society. Bijker, W. and J. Law, eds. Pp. 259–264. Cambridge, Mass: MIT Press.

Bendix, Regina (2009): Heritage Between Economy and Politics: An Assessment from the Perspective of Cultural Anthropology. *In* Intangible Cultural Heritage. Smith, L. and N. Akagawa, eds. Pp. 253–269. London: Routledge.

Bendix, Regina F., Aditya Eggert and Arnika Peselmann (2012) (eds.): Heritage Regimes and the State. Göttingen: Universitätsverlag Göttingen.

Bortolotto, Chiara (2012): The French Inventory of Intangible Cultural Heritage: Domesticating a Global Paradigm into French Heritage Regime. *In* Heritage Regimes and the State. Bendix, Regina F., Aditya Eggert and Arnika Peselmann, eds. Pp. 265–282. Göttingen: Universitätsverlag Göttingen.

Callon, Michel (1999): Some Elements of a Sociology of Translation: Domestication of the Scallops and the Fishermen of St. Brieuc Bay. *In* The Science Studies Reader. Biagioli, Mario, ed. Pp. 67–83. London: Routledge.

Clifford, James (1986): Introduction: Partial Truths. *In* Writing Culture. The Poetics and Politics of Ethnography. Clifford, James, and George E. Marcus, eds. Pp. 1–26. London: University of California Press.

Demotte, Rudy (2004): National Policies Concerning Intangible Cultural Heritage: the example of Belgium's French community. Museum International 56: 174–179.

Di Giovine, Michael A. (2009): The Heritage-scape. UNESCO, World Heritage, and Tourism. Lanham, MA: Lexington Books.

Eggert, Aditya (2010): Sbek Thom nach seiner UNESCO Zertifizierung: Eine Untersuchung der Dynamik des kambodschanischen Schattentheaters nach seiner Ernennung zum immateriellen Kulturerbe. *In* Die Konstituierung von Cultural Property: Forschungsperspektiven. Bendix, Regina, Kilian Bizer and Stefan Groth, eds. Pp. 45–62. Göttingen: Universitätsverlag Göttingen.

Hafstein, Valdimar (2012): Cultural Heritage. *In* A Companion to Folklore. Bendix, Regina, and Galit Hasan-Rokem, eds. Pp. 500–519. Malden, Oxford.

Harrison, Rodney (2013): Heritage. Critical Approaches. New York: Routledge.

Hauser-Schäublin, Brigitta (2011): Preah Vihear. From Object of Colonial Desire to a Contested World Heritage Site. *In* World Heritage Angkor and Beyond. Circumstances and Implications of UNESCO Listings in Cambodia. Hauser-Schäublin, Brigitta, ed. Pp. 33–56. Göttingen: Göttingen Universitätsverlag.

Jacobs, Marc (2005): Rijmt etnologisch of volkskundig op eerlijk? Omgaan met de UNESCO-conventie (2003) voor het koesteren van Immaterieel Cultureel Erfgoed (I.C.E.). cULTUUR. Tijdschrift voor Etnologie 2: 100–120.

Kirshenblatt-Gimblett, Barbara: (2006): World Heritage and Cultural Economics. *In* Museum Frictions: Public Cultures/Global Transformations. Karp, Ivan, Corinne A. Kratz, Lynn Szwala and Tomas Ybarra-Frausto, eds. Pp. 161–202. Durham, London. (Online: http://www.nyu.edu/classes/bkg/web/heritage.pdf <accessed January 23, 2015>).

– (2004): Intangible Heritage as Metacultural Production. Museum International 56: 52–65.

– (1995): Theorizing Heritage. Ethnomusicology 39: 367–380.

Kuutma, Kristin (2012): Between Arbitration and Engineering: Concepts and Contingencies in the Shaping of Heritage Regimes. *In* Heritage Regimes and the State. Bendix, Regina F., Aditya Eggert and Arnika Peselmann, eds. Pp. 21–36. Göttingen: Universitätsverlag Göttingen.

– (2007): The Politics of Contested Representation: UNESCO and the Masterpieces of Intangible Cultural Heritage. *In* Prädikat HERITAGE. Wertschöpfungen aus kulturellen Ressourcen. Hemme, Dorothee, Markus Tauschek and Regina Bendix, eds. Pp. 177–195. Berlin: LIT Verlag.

Macdonald, Sharon (2013): Memorylands. Heritage and Identity in Europe Today. Oxford, New York.

Noyes, Dorothy (2012): The Social Base of Folklore. *In* A Companion to Folklore. Bendix, Regina, and Galit Hasan-Rokem, eds. Pp. 13–39. Malden, Oxford.

– (2007): Voice in the Provinces: Submission, Recognition, and the Making of Heritage. *In* Prädikat HERITAGE. Wertschöpfungen aus kulturellen Ressourcen. Hemme, Dorothee, Markus Tauschek and Regina Bendix, eds. Pp. 33–52. Berlin: LIT Verlag.

– (2006): The Judgement of Solomon: Global Protections for Tradition and the Problem of Community Ownership. Cultural Analysis 5: 27–56.

– (2003): Group. *In* Eight Words for the Study of Expressive Culture. Feintuch, Burt, ed. Pp. 7–41. Urbana, Chicago.

Smith, Laurajane (2006): Uses of Heritage. London, New York: Taylor and Francis.

Tauschek, Markus (2013): Kulturerbe. Eine Einführung. Berlin: Reimer.

– (2012): The Bureaucratic Texture of National Patrimonial Policies. *In* Heritage Regimes and the State. Bendix, Regina F., Aditya Eggert and Arnika Peselmann, eds. Pp. 195–212. Göttingen: Universitätsverlag Göttingen.

– (2010): Wertschöpfung aus Tradition. Der Karneval von Binche und die Konstituierung kulturellen Erbes. Berlin.

– (2009): Writing Heritage. Überlegungen zum Format Bewerbungsdossier. *In* Erb.gut? Kulturelles Erbe in Wissenschaft und Gesellschaft. Berger, Karl C., Margot Schindler and Ingo Schneider, eds. Pp. 437–448. Wien.

Tornatore, Jean-Louis (2012): Anthropology's Payback: "The Gastronomic Meal of the French". The Ethnographic Elements of a Heritage Distinction. *In* Heritage Regimes and the State. Bendix, Regina F., Aditya Eggert and Arnika Peselmann, eds. Pp. 341–365. Göttingen: Universitätsverlag Göttingen.

Topics and Papers of the Three Trilateral Conferences Held at Villa Vigoni under the Overall Heading « Institutions, territoires et communautés: perspectives sur le patrimoine culturel immatériel translocal »

First Conference, 2010

Institutionen, Räume, Gemeinschaften: Perspektiven auf das translokale immaterielle Kulturerbe | Institutions, territoires et communautés: perspectives sur le patrimoine culturel immatériel translocal | Istituzioni, territorio e comunità: prospettive sul patrimonio culturale immateriale translocale

Chiara Bortolotto (Paris): Introduction: L'Unesco et le patrimoine culturel immatériel: vers un paradigme patrimonial post-territorial?

> *Published: Bortolotto, Chiara: Addio al territorio? Nuovi scenari del patrimonio culturale immateriale, in Lares 76/2 (2011): 351–369.*

Pietro Clemente (Firenze): "Tra cosmo e campanile". Il patrimonio immateriale negli studi e nelle pratiche territoriali in Italia
> *Published: Clemente, Pietro: L'Europa delle culture e dei progetti europei. Dall'Europa all'Unesco: il contributo dell'antropologia tra cosmo e campanile, in L. Zagato, M.Vecco, a cura di, Le culture dell'Europa, l'Europa della cultura, Milano, Angeli, 2011: 72–78.*

Regina Bendix (Göttingen): Verortung: Inwertsetzungsstrategien von Kultur im Raum

Berardino Palumbo (Messina): Un sistema tassonomico globale: la mercipatrimonializza-zione UNESCO
> *Published: Palumbo, Berardino: Sistemi tassonomici dell'immaginario globale. Prime ipotesi di ricerca a partire dal caso Unesco, in Meridiana 68 (2010): 37–72.*

Christoph Brumann (Halle): Die Immaterialisierung des Welterbes: Zu den neueren Trends in der UNESCO-Kulturerbepolitik
> *Published: Christoph Brumann, « Comment le patrimoine mondial de l'Unesco devient immaté-riel », in Gradhiva 18 (2013): 22–49.*

Markus Tauschek (Kiel): Das Konzept des transnationalen Erbes: Vernunftehe oder Liebesheirat? *ITV*

Katia Ballacchino (Roma): I Gigli di Nola "in viaggio verso l'UNESCO": autenticità, serialità ed eccellenza di un patrimonio immateriale e del suo territorio *HRS*

Aditya Eggert (Göttingen): Das kambodschanische Schattentheater nach seiner UNESCO Zertifizierung: ein Spielball lokaler, nationaler und internationaler Interessen?

Béatrice Robert (Paris): Pompéi-hors-les-murs, anachronismes et délocalisations
> *Published: Pompéi-hors-les murs. Reconstitutions et restitutions pompéiennes au XIXᵉ siècle », in Archéologia 500 (2012): 28–39.*

Monika Salzbrunn (Lausanne): Die Konstruktion territorialer Identitäten im urbanen Raum, oder: die Erfindung des „Village Saint Louis-Sainte Marthe" *ITV*

Mathieu Jacomy (Paris): Analyser puis archiver l'occupation des territoires numériques par les migrants

Jean-Louis Tornatore (Metz): L'épreuve politique du patrimoine culturel immatériel : une expérience participative dans un parc naturel régional français *ITV*

Renata Meazza (Roma): E.CH.I. - Patrimoni immateriali transfrontalieri a confronto

Sylvie Grenet (Paris): Les inventaires du patrimoine culturel immatériel en France
> *Published: Les inventaires en France. In Le patrimoine culturel immatériel: premières expériences en France. Internationale de l'imaginaire – Nouvelle série, 25. Christian Hottin, ed., Paris: Babel 2011: 77–92.*

Vincenzo Padiglione (Roma): La capanna lepina. Cattivo passato o bene culturale? Un visual polisemico

> *Published: Padiglione Vincenzo: "Dal racconto al silenzio, dalla patrimonializzazione alla riappropriazione. Vicissitudini di un artefatto popolare", In Villaggi di capanne nei Lepini. Una prospettiva etnoarcheologica, a cura di V. Padiglione. Roma, Kappa 2012: 7–76.*

Second Conference, 2011

Kulturerbe-Politik im zwischenstaatlichen Vergleich | La politique du patrimoine: perspectives comparatives entre différents systèmes politiques | La politica del patrimonio: prospettive comparative tra diversi sistemi politici

Regina Bendix (Göttingen), Markus Tauschek (Kiel): Kulturerbepolitik und Staat – kulturwissenschaftliche Perspektiven

Nicolas Adell (Toulouse): Ce que le lieu fait au patrimoine. Une comparaison France – Allemagne *HRS*

Ellen Hertz (Neuchâtel): The Swiss Sonderfall: "balancing" the national inventory of intangible cultural heritage

Berardino Palumbo (Messina): Politics, heritage, and globalization: South Eastern Sicily in the "patrimonialization" process (1996-2011)

Pietro Clemente (Firenze): Società civile e patrimonio: università, stato, regioni, enti locali, musei, associazioni in Italia

Karin Klenke (Göttingen): From ‚Isolated Community' to ‚Living Pre-historic Culture', from Nation-Building to Global Cultural Politics. Local Communities, World Heritage and the State in Indonesia.

Michael Di Giovine (Chicago): The Heritage-scape as a Supra-state construction and the case of Cambodia's Angkor Archaeological Park *ITV*

Aditya Eggert (Göttingen): Constitution of intangible heritage in Cambodia - Politisation processes and monopoly of the state

Caroline Bodolec (Paris): Le papier découpé en Chine. Exemple d'un dossier "préparé" depuis plus de 50 ans *HRS*

Arnika Peselmann (Göttingen): Aushandlungsprozesse um die Deutsch-Tschechische UNESCO-Nominierung des Erzgebirges als Industriekulturlandschaft: Mit „Druck von unten" gegen die Nachwehen des „Dresdner Debakels"

Chiara Bortolotto (Paris): L'inventaire du PCI en France. L'institution face à un nouveau paradigme patrimonial *HRS*

Alessandra Broccolini (Roma): Gli inventari del patrimonio immateriale in Italia, tra "comunità", politiche nazionali e competenze antropologiche *HRS*

Jean-Louis Tornatore (Paris, Metz): Retour d'anthropologie: „Le repas gastronomique des Français". Ethnographie d'une invention patrimoniale. *HRS*

Katia Ballacchino (Roma): L'unione fa…il patrimonio immateriale. L'Italia e le candidature di rete. *HRS*

Sylvie Grenet (Paris): L'inscription de la fauconnerie au patrimoine culturel immatériel de l'humanité. La création d'un patrimoine trans-national.

Dana Diminescu (Paris), **Marta Severo** (Bologna): Le patrimoine culturel immatériel dans la mobilité.

Third Conference 2012

Un patrimoine à soi. Approches comparatives des fabriques et lectures « profanes » du PCI | Jedem sein Erbe. Vergleichende Perspektiven auf die alltagskulturelle Produktion und Interpretation des Konzepts „Intangible Cultural Heritage" | A ognuno il suo patrimonio. Approcci comparativi alla produzione e interpretazione « profana » del patrimonio culturale immateriale

Christoph Brumann (MPI, Halle): Gemeinschaft als Mythos und Wirklichkeit in den UNESCO-Kulturerbekonventionen *ITV*

Ignazio Macchiarella (Cagliari): L'autentica vera tradizione siamo noi". La questione della salvaguardia nei discorsi sul far musica in Sardegna

Tullio Scovazzi (Milano): Il ruolo delle comunità e gruppi nell'ambito della Convenzione UNESCO sul patrimonio culturale intangibile
> *Related publication : Scovazzi, Tullio. The Definition of Intangible Cultural Heritage (Borelli, Silvia & Federico Lenzerini, eds. Cultural Heritage, Cultural Rights, Cultural Diversity, Leiden: Brill. 2012: 179–200.*

Regina Bendix (Göttingen): Zum Einfluss von UNESCO Heritage Listen auf kulturelle Distinktion *ITV*

Chiara Bortolotto (Paris, Brüssel): Consenso, partecipazione (e lobbying) delle comunità nel sesto comitato intergovernativo per la salvauguardia del patrimonio culturale immateriale *ITV*

Markus Tauschek (Kiel): Welche „community"? Versuch einer kulturwissenschaftlichen Systematisierung. *ITV*

Ellen Hertz (Neuchâtel): Que faire de la « participation » ? Ou l'ethnographie d'une contre-initiative communautaire dans la constitution des inventaires dans les cantons suisses *ITV*

Jean-Louis Tornatore (Paris/Dijon): Une expérience de jury participatif dans un parc naturel régional. Essai de démocratie patrimoniale *ITV*

Stefan Groth (Göttingen): Zwischen Gesellschaft und Kultur: Eine anerkennungstheoretische Perspektive auf kulturelles Erbe *ITV*

Benedetta Ubertazzi (Milano) La non partecipabilità delle comunità extra-territoriali alla salvaguardia del patrimonio intangibile UNESCO secondo il Comitato di Bali *ITV*

Sabrina Urbinati (Milano): La partecipazione delle comunità all'applicazione del diritto internazionale *ITV*

Lauso Zagato (Venezia): L'introduzione della nozione di comunità patrimoniale nella Convenzione di faro: possibili conseguenze in ambito giuridico europeo *ITV*

Cyril Isnart (Evora) : Les patrimonialisations ordinaires existent-elles? Acteurs sociaux et logique patrimoniale en Europe du sud *ITV*

Arnika Peselmann (Göttingen): Mit „Druck von unten" zum UNESCO-Titel: Ausbildung deutsch-tschechischer grassroot-Strukturen im Nominierungsprozess der Montan- und Kulturlandschaft Erzgebirge

Nicolas Adell (Toulouse): Polyphonie vs monographie. La préparation d'un dossier pour le PCI en France *ITV*

Aditya Eggert (Göttingen): Die ICH Nominierung des Kambodschanischen Epik-Gesanges Chieng Chapei: Ermächtigung von „community" oder Staat?

Caroline Bodelec (Paris): Au-delà des politiques du Patrimoine culturel immatériel, quelques exemples de terrain en Chine contemporaine
  Published: Bodelec Caroline, « Être une grande nation culturelle: les enjeux du patrimoine culturel immatériel pour la Chine », in Tsantsa 19 (2014): 19–30.

Karin Klenke (Göttingen): Das immaterielle Kulturerbe revolutionärer Communities – zur Konstitution von Kulturerbe unter der kommunistischen Parteileitung in Laos

Contributors

Nicolas Adell is Professor of Social and Cultural Anthropology at the University of Toulouse and leads the Department of Sociology and Anthropology. His research focuses currently on the scientific and artistic ways of shaping one's life.

Noël Barbe is advisor ethnology to the Regional Office of Cultural Affairs of Franche-Comté and researcher with the Interdisciplinary Institute of Contemporary Anthropology. His work focuses on heritage action, the politics of the art and the history of anthropological knowledge

Regina F. Bendix is Professor of Cultural Anthropology/European Ethnology at the University of Göttingen and leads the Göttingen Research Group on Cultural Property. Her research focuses on the intersection of culture, economics and politics.

Chiara Bortolotto is a research associate at the Institut interdisciplinaire d'anthropologie du contemporain (IIAC). She is the principal investigator of the project "UNESCO frictions: Heritage-making across global governance" at the École de hautes etudes en sciences sociales. Her research focuses on global heritage governance.

Christoph Brumann is Head of Research Group at the Max Planck Institute for Social Anthropology, Halle, and Honorary Professor of Anthropology at the University of Halle-Wittenberg. Following on a past project on the townscape conflicts of Kyoto, his current research groups focus on urban World Heritage sites and on Buddhist temple economies in Asia.

Marina Chauliac is an Anthropologist, Ethnological adviser (conseillère pour l'ethnologie) to the Regional Office for Cultural Affairs of Rhône-Alpes and researcher with the IIAC-Centre Edgar Morin (Paris). Her research focuses on memory, heritage and migration.

Michael A. Di Giovine is Assistant Professor of Anthropology at West Chester University of Pennsylvania (USA) and Honorary Fellow in the Department of Anthropology at the University of Wisconsin-Madison. The author of "The Heritagescape: UNESCO, World Heritage, and Tourism", and co-editor of "Edible Identities: Food as Cultural Heritage"; "Tourism and the Power of Otherness: Seductions of Difference"; and "The Seductions of Pilgrimage: Sacred Journeys Afar and Astray in the Western Religious Tradition", he is a member of the American Anthropological Association's Task Force on Cultural Heritage and the co-editor of Lexington Book's series, "The Anthropology of Tourism: Heritage Mobility and Society".

Stefan Groth is a European Ethnologist working on cultural heritage, innovation and everyday culture, sports, and multilateral negotiations. He is post-doctoral fellow at the Käte Hamburger Kolleg/Centre for Global Cooperation Research at the University Duisburg–Essen.

Ellen Hertz is Professor of Anthropology at the University of Neuchâtel and has led a large-scale research project on the implementation of the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in Switzerland, financed by the Swiss National Science Foundation.

Cyril Isnart is an anthropologist at the CNRS (IDEMEC, UMR 7307 Aix Marseille University CNRS) and co-founder of the Respatrimoni network. He works on religion, music and heritage practices in Southern Europe.

Monika Salzbrunn holds a full professorship in Religion, Migration, Diaspora Studies at Lausanne University. She is Director of the Research Institute for Social Sciences of Contemporary Religions (ISSRC) and currently leads several research projects on festive events and carnival, cultural and digital resources of (undocumented) migrants and on (religious) diversity in urban spaces.

Markus Tauschek is Assistant Professor of European Ethnology at Christian-Albrechts-University in Kiel, Germany. His main research interests concern the emergence of Intangible Cultural Heritage, tradition and performative culture in late-modernity and competitive logics and practices in everyday life.

Jean-Louis Tornatore is an anthropologist, Professor at the Institute Denis Diderot, University of Burgundy, Dijon, France. His research focuses on the relationships with the past and the ways of living within time according to a pragmatist approach.

As from the concept of "citizen heritage", he questions the operativity of the heritage today, namely to the Anthropocene.

Benedetta Ubertazzi, Aggregate Professor of International Law, School of Law, University of Macerata, Italy; Fellow, Von Humboldt Foundation Fellowship for Experienced Researchers: host Institute Max Planck Institute for Competition and Innovation, Munich, Germany; Fellow, Institute for Culture, Media, and Entertainment Laws of Chung-Ang University, Seoul, Korea.

Sabrina Urbinati is currently a Postdoctoral Fellow in international law at the School of Law of the University of Milano-Bicocca, Milan, Italy. She obtained her PhD in International Law under a joint tutorship program between the University of Paris 1, Panthéon-Sorbonne, Paris, France and the University of Milan, Milan, Italy. Dr. Sabrina Urbinati's main areas of research are the international protection of cultural heritage and of environment. She has been involved in several national and European research projects and she published several articles and a book (*Les mécanismes de contrôle et de suivi des conventions internationales de protection de l'environnement* (Giuffré, Milan, 2009)) on these topics. Since 2002, she has acted as legal expert of the Italian Ministry of Foreign Affaires, in several negotiations and international meetings at UNESCO, and of ACCOBAMS Secretariat.

Lauso Zagato is Professor of International Law, EU Law, Human Rights Law at Ca' Foscari University-Venice. Since academic year 2004-2005 he teaches also International and European Law of Cultural Heritage at the Advanced Master Degree in Economia e Gestione delle arti. Since 2000, he is mainly working on cultural rights' issues, with particular focus on the emergence of the notion of ICH and on the role of heritage communities in the ongoing process of patrimonialization. Main publications: La protezione dei beni culturali in caso di conflitto armato all'alba del secondo Protocollo 1999 (2007), Le identità culturali nei recenti strumenti UNESCO (ed. 2008), Le culture dell'Europa, l'Europa della cultura (ed. 2011, with Marilena Vecco), Il patrimonio culturale intangibile nelle sue diverse dimensioni (ed. 2012 with Tullio Scovazzi and Benedetta Ubertazzi), Citizens of Europe. Cultures and Rights (ed. 2015, forthcoming, with Marilena Vecco).

Community and participation have become central concepts in the nomination processes surrounding heritage, intersecting time and again with questions of territory. In this volume, anthropologists and legal scholars from France, Germany, Italy and the USA take up questions arising from these intertwined concerns from diverse perspectives: How and by whom were these concepts interpreted and re-interpreted, and what effects did they bring forth in their implementation? What impact was wielded by these terms, and what kinds of discursive formations did they bring forth? How do actors from local to national levels interpret these new components of the heritage regime, and how do actors within heritage-granting national and international bodies work it into their cultural and political agency? What is the role of experts and expertise, and when is scholarly knowledge expertise and when is it partisan? How do bureaucratic institutions translate the imperative of participation into concrete practices? Case studies from within and without the UNESCO matrix combine with essays probing larger concerns generated by the valuation and valorization of culture.