

# Safeguarding Intangible Cultural Heritage: Key Factors in Implementing the 2003 Convention

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## Introduction

In 2003, at the biennial General Conference of UNESCO its Member States voted overwhelmingly for the adoption of a new international treaty: the *Convention for the Safeguarding of the Intangible Cultural Heritage*. The Convention aims to ensure the survival and vitality of the world's living local, national, and regional cultural heritage in the face of increasing globalisation and its perceived homogenising effects on culture (Matsuura 2004). Intangible Cultural Heritage (ICH) - a loose English translation of the Japanese *mukeyi bunkazi*, is broadly defined in terms of oral traditions, expressive culture, the social practices, ephemeral aesthetic manifestations, and forms of knowledge carried and transmitted within cultural communities. It includes everything from stories and tales to music and celebration, folk medicine, craftsmanship, the culinary arts and vernacular architecture. National governments adopting it would be legally bound by the Convention to designate and empower organisations to document intangible cultural heritage and create inventories thereof, and also to encourage the presentation, preservation, protection, and

transmission of intangible cultural heritage by working closely and cooperatively with the relevant communities.

Importantly, the Convention recognises as ICH only those forms of cultural expression consistent with human rights. At the international level, a new International Committee elected from the States Parties to the new Convention will develop two lists - one of representative traditions proposed by member states, and the other of endangered traditions in urgent need of safeguarding and eligible for financial support from a newly established international fund. The text of the treaty has been widely distributed and is available on the UNESCO website (1). The Convention came into effect in April 2006. By the end of May 2007 seventy-eight nations had ratified it - among them China, India, Japan, Nigeria, Egypt, France, Spain, Turkey, Mexico and Brazil, and I expect it will be ratified by more than 100 within the next year or so. Neither the United States, the United Kingdom, Canada nor Australia has yet ratified the Convention, though the U.S. is re-considering its position. The Convention is likely to become the standard-setting instrument for the safeguarding of living cultural heritage in years to come

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as it becomes a routine part of state and institutional practice.

UNESCO and the drafters of the Convention believe, correctly in my view, that intangible cultural heritage is truly endangered (Bedjaoui 2004). One can quote the precipitous decline in the number of languages actively spoken in the world today, as compared to the last century, as a symbol of the danger. The world has lost literally thousands of linguistic communities, and with them much of the oral literature, the stories and tales and ways in which humans have seen and imagined the world - and how they might have done so in the future. Music, dance, performances and rituals, culinary and occupational traditions, craftsmanship and a large variety of knowledge systems have been lost or are in decline. To be sure, new ones do arise in their stead, but these tend to be less localized and less nuanced than those they replace. Increasingly, experts agree, there is a loss of diversity in cultural practices around the planet (see, for example, de Cuéllar 1997, Serageldin 1998, Graves 2005). If the Intangible Heritage Convention has been devised to correct that, the big question is, of course, will the new treaty accomplish its goal? Will cultural traditions and the cultural communities which practice, nourish and transmit them actually be safeguarded? In this commentary, I consider the question of what is to be safeguarded, how and by whom, and to what end.

I write not as a disinterested analyst, but as one who has been involved in the development of the Convention and its related programmes. In my capacity as the Director of the Smithsonian Institution Center for Folklife and Cultural Heritage, in 1999 I co-convoked a joint conference with UNESCO, *A Global Assessment of the 1989 Recommendation on the Safeguarding of Traditional Culture and Folklore: Local Empowerment and International Cooperation* (2). For that conference,

members of the Smithsonian's staff analysed the approach to safeguarding traditional cultural heritage embodied in UNESCO's 1989 *Recommendation on the Safeguarding of Traditional Culture and Folklore*.

I carried out a study of the responses by over 100 nations to a UNESCO survey about the efficacy of the Recommendation, and found it largely ignored and ineffective (Kurin 2001). The Conference as a whole called for a reconstituted definition of traditional culture or folklore, the foregrounding of cooperative work with communities, and the likely need for an international Convention (Seitel 2001c).

Subsequently, Smithsonian staff participated in a variety of experts' meetings organized by UNESCO (Seitel 2001a, 2001b). Appointed by Director-General Koichiro Matsuura, I served as a founding member of the International Jury for UNESCO's *Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity*. I then participated in discussions, attended intergovernmental drafting meetings, and wrote the brief for the U.S. Department of State on the 2003 Convention. Following U.S. re-entry to the organisation, I was appointed to the U.S. National Commission for UNESCO by Secretary of State, Colin Powell, and re-appointed by his successor, Secretary Condoleezza Rice. Despite such official participation, opinions, interpretations, and conclusions expressed in this article are solely mine, and not those of UNESCO, the Smithsonian Institution, the U.S. National Commission for UNESCO, or the U.S. Government.

## What is to be safeguarded?

According to Article 2.1 of the Convention (UNESCO 2003b), intangible cultural heritage means:

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

The term 'intangible cultural heritage' replaced less technical-sounding and less culturally charged, but historically familiar, terms such as 'folklore,' 'traditional culture,' 'oral heritage,' and 'popular culture.' With the Convention, there was also an important shift of emphasis. Intangible cultural heritage was, foremost, living heritage as itself practiced and expressed by members of cultural communities through such forms as oral traditions, song, performance, rituals, craftsmanship and artistry and systems of knowledge. ICH was not the mere products, objectified remains or documentation of such living cultural forms (Seitel 2001a). It was not the songs as recorded on sound tapes or in digital form, or their transcriptions. ICH is the actual singing of the songs.

But it is not the songs sung in any recreated or imitative form - no matter how well meaning or how literally correct - by scholars, or performers, or members of some other community. It is the singing of the songs by the members of the very community who regard those songs as theirs, and indicative of their identity as a cultural group. It is the singing by the people who nurtured the traditions and who will, in all probability, transmit those songs to the next generation (Kurin 2004a).

The definition assumes the agency of a group of people who recognise a particular form of cultural expression as a symbol of their communal identity, who place it conceptually in a self-reflexive category of 'heritage,' legitimised by historical practice and specifically noted as valuable (Early and Seitel 2002). This means that ICH cannot retain its designation as such if it is appropriated by others who are not members of that community - whether they be government officials, scholars, artists, businessmen or anyone else.

The definition also assumes that ICH is articulated

with social processes and other aspects of life. It is not something that can easily be isolated from a larger constellation of lifestyles, nor de-articulated from a broader world of ecological, economic, political and geographic interactions.

'Safeguarding' ICH, according to Article 2.3 of the Convention (UNESCO 2003b), means:

*measures aimed at ensuring the viability of the 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.*

In order to safeguard ICH, then, it must be viable - and this then assumes its continued practice within and by the relevant cultural community. That is, living cultural heritage has to be vital, dynamic and sustainable in order to be considered safeguarded.

Safeguarded ICH, defined as a living process, a socially articulated and consciously manipulated heritage, is in this Convention quite different from previously promulgated ideas of folklore and cultural tradition (Aikawa 2004). Prior to the Convention, folklore and cultural tradition were viewed in UNESCO parlance as somewhat alienable expressions of an unreflective populace, 'naturally' practiced customs that could be abstracted from other aspects of life, and perhaps best preserved in the documentary records of scholars or in the collections of museums.

Unlike the idea of traditional culture or folklore in the 1989 Recommendation, or as found in much institutional practice around the world, the 2003 Convention shifts both the measure and onus of safeguarding work to the cultural community itself. ICH is not preserved in states' archives or national museums. It is preserved in communities whose members practice and manifest its forms. If the tradition is still alive, vital and sustainable in the community, it is safeguarded. If it exists just as a documentary record of a song, a videotape of a celebration, a multi-volume monographic treatment of folk knowledge, or as ritual artifacts in the finest museums in the country, it is not safeguarded.

Furthermore, ICH is not something fixed in form that remains constant forever, safeguarded when only found in its pure, essential form. While various types and

expressions of ICH may be articulated at certain points in history by their practitioner communities as the 'pure,' 'real,' or 'authentic' form, such judgements need to be regarded as historically-based assessments, subject to change - even within the community - and to alternative formulations by various segments of the contemporary community. If a form of ICH is living it will, by definition, change over time. An art form that might have originated from a peasant's utilitarian response to a particular need might have grown, over time, into an elite art practiced in a royal court, or have acquired a sacred meaning, only to later become a common skill for making market crafts and trade items, and even later to be transformed into the means of making decorative tourist goods. Cultural practices at one time part of life's daily routine, might, over time, become the province of elitist practice, and even later become confined to special occasions or holidays. What then is 'authentic' or 'pure,' and what is to be safeguarded?

From the standpoint of the Convention, it is the dynamic social processes of creativity, of identity-making, of taking and respecting the historically received and remaking it as one's own that is to be safeguarded. And the arbiters of value - those who might be mindful of variants and yet decide on their relative significance and correctness - are not governments or scholars or collectors or aficionados, but rather members of the concerned communities themselves.

## What types of agencies should implement the treaty?

Responsibility for ensuring the safeguarding of ICH rests with the States Parties to the Convention - that is, the nation states ratifying the treaty. According to Article 13 (b), each nation is to *designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory* (UNESCO 2003b). Such a body or organisation would presumably oversee the creation of national inventories of ICH, submit reports to national agencies and UNESCO, and devise a variety of educational, scientific, artistic, promotional, economic and legal interventions that might encourage ICH within the country.

The Convention offers no specific guidance on the question of what kind of agency or organisation might best do such work. Should it be government ministries; universities; museums, cultural centres or some type of

hybrid organisation? I suspect that the international committee constituted under the Convention might provide some guidance on this question in the months and years to come. At the same time, a number of nations have already made their choices.

Most will probably designate a department or division of their government, probably from the Ministry of Culture, as the unit charged with safeguarding ICH. While this is a reasonable choice from a bureaucratic and official perspective, it could become problematic. A government department may have the authority to conduct the surveying or inventory work required by the Convention. It may have the standing to help 'legitimise' ICH - and give it the respect envisaged in the Convention as an example and means of demonstrating tolerance for cultural diversity. A government department may indeed be able to draw the needed fiscal and human resources, and utilise the linkages to other sectors of governmental and societal activity to do what the Convention encourages. That is, a government department may be able to coordinate planning and implementation efforts in the economic, educational, and legal sectors to safeguard ICH.

The biggest problem with government control over ICH safeguarding efforts is one of freedom and human rights. In many countries around the world, minority cultural communities do not see government as representing their interests - particularly when it comes to their living cultural traditions and their vitality as living, dynamic communities. Historically, government efforts have often been aimed at eliminating cultural practices - a native religion, a minority language, particular rites, certain instruments, and so on.

Important parts of the ICH - such as songs of protest, epics of struggle, knowledge of traditional territorial occupation - may be seen as opposing government positions and practices. Human rights charters, particularly the *International Declaration of Human Rights*, seek to protect individual and communal forms of expression from onerous government control and regulation. Government inventories of cultural practice may seem too much like cultural registries - officialising and de-officialising cultural practice, and allowing for all sorts of misuses of information. Having the government in charge of ICH activities could create uneven relationships of power between cultural regulators and cultural practitioners, where the latter might feel there was undue intrusion into the life of their community.

Government control also raises questions about the qualifications of those charged with doing the work of the ICH Convention. ICH is a matter of cultural particularity and nuance. Properly researching, documenting, understanding and presenting localised cultural traditions requires adequate linguistic skills, superior levels of background training in cultural fields such as ethnology, linguistics, ethno-musicology, folklore and the ethno-sciences. It often requires knowledge of various scientific and technical disciplines. That is, good work with ICH requires a substantial level of education and training - it is not something one can qualify for with a simple civil service test. It is also an arena of inquiry and interpretation that resists standardisation and runs counter to the formulaic work that is the usual province of the civil service and bureaucracy. It would therefore be a challenge to find the requisite number of civil servants equal to the task of doing the work envisaged by the ICH Convention, and of doing it in a manner appropriate to the content and character of the traditions concerned.

In some countries, university departments might carry out the task of implementing the Convention. Whether private or public, they may operate on behalf of the States Party. While behaving 'officially,' universities are typically at some level of remove from the bureaucracy and politics of government, and have their own set of values - scientific methods, scholarly standards and ethics, that guide their actions. Universities are well suited to carry out a number of the Convention's functions - particularly those of research, inventorying, devising educational programmes and studying the nature of cultural transmission and sustainability. They have a ready source of qualified faculty and students-in-training who can be mobilised to work with ICH.

However, unlike government departments, university departments and programmes are notoriously lacking when it comes to providing long-term, large-scale sustained efforts in applied programmes of social action. They typically lack the depth of personnel, the ability to direct the interests and work of faculty, and have an institutional need to pioneer new knowledge, not administer routine programmes. While many universities have succeeded in such programmes as agricultural extension and health care (eg. university hospitals), it is difficult to imagine universities finding compelling social motivation, or securing the necessary financial rewards, to take on the cultural mission embodied in the

Convention.

Perhaps the most appropriate type of organisation to take the lead role in the realisation of the Convention is the museum, or a museum-like cultural organisation (Kurin 2004b). Content-wise, they often cover the areas included in the Convention - they are cultural preservation institutions by their very definition. Like universities, they are 'official' without being overly governmental. Like universities, they usually have staff expertise in varied areas of cultural heritage research and documentation. They may also have access to students, interns and highly-motivated volunteers who can perform tasks related to research and documentation.

Museums are masterful in providing public and even official recognition and respect for traditions and cultural practitioners, and also, generally, adept in matters of public presentation and educational programmes. However, unlike universities, most do not have the depth nor range of disciplines required for the full measure of ICH work envisioned and encouraged in the Convention. Unlike governments, they do not usually command the resources needed to mount large-scale national efforts in the cultural arena. Museums are also generally oriented toward the collection of objects, not the documentation of living traditions. They usually deal with things inanimate or dead, and while many museums - at national, regional and local levels - have increasingly become quite skilled in relating to and partnering their constituent cultural communities, it is something fairly new in their orientation and practice. More than anything else though, museums are mainly concerned with the survival and preservation of their collections - items of culture taken away and alienated from the community settings and social matrix within which they were created and used. That is to say, as I have written elsewhere, museums tend to like their culture dead and stuffed (Kurin 2004b). They are not very experienced in ensuring that culture is safeguarded as a living, dynamic, sustainable process *in situ*.

Most likely, I expect it will take a combination of organisational types to implement the Convention successfully within the signatory States. Governments can provide the funding, the authority, forms of official legitimisation and the connection to other sectors - the education system, economic development planning, tourism, arts and culture, the media - useful for the realisation of the Convention's aims. Universities can

provide training, expertise in a range of relevant disciplines and a variety of research functions - from documentation of particular traditions in inventories to the assessment of 'what works' in terms of action plans devised to actually safeguard ICH. Museums can be used as the loci of activities - storehouses of archives and related collections, venues for the public presentation of ICH and public education - as well as for their expertise, frameworks for dealing with cultural heritage, and, in the best of cases, vehicles for community interaction. Other organizations - including NGOs, cultural advocacy groups, and local level project groups - would also rightly be brought into the mix to do the work of the Convention.

### **What role should cultural communities play?**

More than any previous international cultural treaty, the ICH Convention places a great deal of attention and responsibility on the communities whose cultural traditions are being safeguarded. It is an extraordinarily 'bottom-up,' grass roots, participatory provision. According to Article 11(b), each States Party shall:

*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 (UNESCO 2003b).*

Article 15, titled *Participation of communities, groups and individuals* states:

*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.*

Taken at its word, this implies that members of the communities whose heritage is being safeguarded are to be full partners with any and all such efforts. Governments, or university departments or museums, cannot just assume they have permission to define ICH and undertake its documentation, presentation, protection or preservation. Community participation is

meant to be significant and meaningful - involving the consent of community leaders, consultation with lead cultural practitioners, shared decision-making on strategies and tactics of safeguarding and so on. Article 15 strongly empowers the community in the operation and realisation of the Convention.

As Hafstein (forthcoming) correctly notes, one of the ICH Convention's major accomplishments is to envisage 'community' as a rising, alternative holder and centre of power to the state, particularly in a post-modern era of decreasing nationalism and increasing trans-national ties and relationships. The attention to community in the Convention developed from several sources. One was the idea of agency - that the holders of cultural traditions, of ICH, needed to be treated as somehow privileged because they created, nurtured and sustained the relevant traditions. This was a corrective to elitist, colonialist, Orientalist and even anthropological approaches which tended to make the 'bearers' of tradition passive, anonymous vehicles for, or even primary interpreters of, an expressive culture not really their own. The critiques supplied by subaltern studies, post-modernism, and the rise of cultural advocacy/native rights groups played an important role in enabling those who drafted the Convention to recognise the importance of vesting agency within the community.

Another current that contributed to the strong position of community in the Convention was overall attention to cultural diversity. The preamble to the Convention recognises the importance of ICH in both defining the cultural diversity of the world's people, and in its preservation. The point of the whole treaty is, one might argue, the preservation of grassroots cultural diversity around the world, and particularly, within the contemporary nation-state. Cultural diversity in the ICH Convention means the diversity of cultural communities - hence their foregrounding as both the subject and object of safeguarding efforts. It is quite noteworthy that this is not the case in the *2005 International Convention on the Diversity of Cultural Contents and Artistic Expressions*. Nations are the important unit of cultural diversity in the 2005 Convention, not communities (UNESCO 2005).

While according to the Convention, communities are to be equal partners with the official government agencies in documenting, researching, presenting, promulgating, promoting and protecting their traditions, this will create tensions. Statements by government

representatives during the drafting of the Convention, and subsequent discussions during the first meeting of the International Committee charged with the Convention's implementation, reveal some unhappiness with the power accorded to cultural communities. Some governments assume that their own constitutional status enables them to speak for any community of their citizens or inhabitants. They see this as a matter of national sovereignty. They resent having to cede any authority to communities - especially those regarded as marginal or lower in status than the ruling government. Others have so completely absorbed 'community' identification, leadership, and governance within their own governmental structures as to render the concept sociologically meaningless. Simply, the government is the community, with any vestiges of freedom, autonomy, or distinctive group boundary absorbed within a larger social reality.

Whatever the sociological situation within the States Parties, the intention of the Convention is clear. The folks - the people who actually practice the traditions, who have learned from and identify with those who have practiced them in the past, who take them as emblematic of their identity - constitute the community and need to be fully involved in any and all decisions regarding the safeguarding of their ICH. To the extent that there is any psychological sense of 'ownership' of the tradition, their ICH 'belongs' to them - not to the state or the government or the Ministry of Culture.

Hence, members of the relevant communities can and should be encouraged to do participatory self-research and documentation, work with civil scholars in devising and carrying out inventory activities, work with museums, performing arts centres, publishing houses, universities and the like on the presentation of their ICH, work with journalists, television and radio reporters on the promotion of their ICH, work with teachers, education officials and curriculum planners on how their ICH is taught within the school system, and work with government planners, officials and bureaucrats in formulating plans that introduce ICH into social and economic development programmes.

## What are the strategies for safeguarding?

The only definitive action required of signatories by the Convention is spelled out in Article 12:

*To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated* (UNESCO 2003b)

The making of inventories was a topic which occupied much of the debate in drafting the Convention. Many saw it as a management tool - how could a country know what it was safeguarding and what progress it was making without such an inventory? Others saw it as a first step toward detailing ICH so that eventually a nation might make a claim of intellectual property rights over the tradition. Others, more anthropologically orientated, saw inventories as an effort that would waste valuable time and money in compiling lists that would not contribute to actually safeguarding culture in any direct way (Kurin 2004b, Kirshenblatt-Gimblett 2004).

In addition to the national inventories, there are to be two other lists at an international level (UNESCO 2003b). One, established by Article 16 is a *Representative List of the Intangible Cultural Heritage of Humanity*. The second, established by Article 17 is a *List of Intangible Cultural Heritage in Need of Urgent Safeguarding*. These lists follow upon and incorporate the UNESCO *Masterpieces* programme, and are based upon the success of the World Heritage List (UNESCO 1972). That list of important cultural monuments, archeological sites and natural areas has brought international prestige and attention to tangible cultural heritage.

The use of both national recognition and international prestige to help safeguard ICH has become a fairly widespread practice. Various programmes - from Japan's rather elaborate designation of cultural properties to Korea's living treasures, from UNESCO's *Masterpieces* to the U.S. *National Endowment for the Arts National Heritage Fellowships* - have honoured master artists and their traditions with government praise and even with financial support from the highest levels (Nas 2002). The prestige brings with it attention - from the media, officials, the general public, as well as from the more localised cultural and geographic communities of the honoured artists and traditions. The prestige, honour, recognition and attention may indeed make cultural exemplars and practitioners proud of what they do, and energise their own efforts to continue, transmit, and even extend their traditions. This has certainly been the case with my own

work at the Smithsonian *Folklife Festival*, where annually, every summer since 1967, hundreds of such cultural exemplars demonstrate their traditions on the National Mall of the United States in Washington, D.C. in a researched-based, educational, cultural festival. Annually drawing about one million visitors and a good deal of attention from national and international media, major political leaders including heads of state, policy makers and the general public, the festival provides a powerful platform for people to demonstrate the knowledge, skill and artistry of their cultural heritage, and engage in an educational, cultural conversation with their fellow citizens and human beings. The festival helps legitimise cultural practitioners to broader audiences through their association with the Smithsonian name and reputation.

The symbolic value of the festival setting for the demonstration of ICH - between the U.S. Capitol and the Washington Monument, amidst the Smithsonian's National Museums, and during the July 4th U.S. Independence Day holiday - helps convey the prestige and respect accorded to traditions and their practitioners. As numerous surveys show, those practitioners do believe they are honoured, that their cultural heritage is valued, and that the Festival experience plays a role 'back home' in their attempts to preserve their traditions (Kurin 1998). Studies of other such prestige and recognition programmes confirm this conclusion (UNESCO 2003a).

But ICH will not be, safeguarded *solely* by such programmes. The danger, as evidenced in the first meeting of the International Committee, is that the implementation of the ICH Convention will concentrate too much on the international lists and on the allocation and dispensation of prestige. As can happen in such programmes - and the UNESCO *Masterpieces* programme is an example - those receiving the prestige are the nations and their governmental representatives, not the practitioners of the actual traditions. If the folks do not get and experience the attention, honour, prestige and respect, it is difficult to make the argument that they benefit from it, as much of its efficacy lies in the realm of encouraging self-esteem and resultant action.

In addition to the strategies of foregrounding community participation and creating forms of international and national prestige, the ICH Convention does envision other types of safeguarding efforts - though, in the language of the treaty, these are *encouraged* rather than *required*. Article 13 encourages the promotion of ICH in society and the integration of

safeguarding efforts with other types of planning - presumably for social and economic development. Article 13 envisages *legal, technical, administrative and financial measures* that will support safeguarding work, while Article 14 encourages the development of educational programmes within cultural communities so they may successfully transmit ICH, as well as within the larger society so that it may develop a greater appreciation for it (UNESCO 2003b).

A strategy of legal protection for ICH was considered in the debates over the Convention, but was largely dropped, given various problems with the assertion of intellectual property rights for traditional culture, the assumption of those rights by national governments and the importance of legal protections for cultural goods and services in the subsequent 2005 Convention.

There is also not much in the Convention about how cultural presentations, promotional activities, and education might enhance, or build upon, safeguarding activities. While this is probably best left to the realm of 'best practice' that will be examined following the implementation of the treaty, there is little guidance on how to actually achieve results through such activities. Likewise, how the ICH Convention might be articulated with the processes of economic and social development is unclear. There is not much about fiscal incentives or creating systems of fiscal reward or benefit that might actually encourage safeguarding activities. That is too bad, especially given the role that the economy plays in the sustainability of cultural traditions. Commerce has been, and can be, a strong driving force in sustaining and extending ICH, keeping it vital and dynamic.

I have seen that in my work at the Smithsonian. Through the Smithsonian *Folklife Festival*, thousands of craftspeople have walked away with millions of dollars in sales of their textile weavings and basketry, their pottery and paintings, their woodcarvings, metalsmithing and jewellery. By earning money through the practice of their traditions, many of these artists and craftspeople have supported their families and developed new products and markets for their skills. Perhaps more than anything else, that kind of success will encourage the next generation to continue to practice and carry their heritage forward.

This has also been the case with musicians. One of the research-based, educational products we produce are documentary recordings in the form of CDs for *Smithsonian Folkways Recordings*, and as digitally

streaming and downloadable files for our *Smithsonian Global Sound* website. These recordings feature thousands of traditional artists from the U.S. and across the planet. The Smithsonian annually sells several millions of dollars' worth of recordings to consumers around the world and pays musicians and composers more than half-a-million dollars in royalties and licensing fees every year. Generally, we have found that musicians enjoy the fact that their music is appreciated by their fellow humans; they like the idea that their artistry merits both respect and financial payment. Many musicians will continue to play their instruments and sing their songs even if they are not paid. But for many, the monetary rewards help sustain their work - particularly as, in contemporary society, forms of patronage and support have shifted. There are no longer courts and kings, local rulers and venues, and given migrations and diasporas, access to and benefit from the marketplace can provide a means of sustaining a tradition-based, if transformed, cultural heritage (Seeger 2004, Kurin 2006).

## Conclusion

The large, unanswerable question for now is - is the 2003 Intangible Cultural Heritage Convention up to the task it has set for itself? Can it really hope, or presume, to actually safeguard ICH around the world? Frankly, I do not think it can. The connections of ICH to the larger matrix of ecological, social, technological, economic and political relationships is too complex, too multi-faceted and nuanced to be reduced to the simple formula proposed by the 2003 treaty. The problem is, we do not have anything better.

We could let 'nature' take its course and have no such cultural intervention. But there is nothing 'natural' about the issues that beset ICH in the world today. They are the result of particular social and economic activities that characterise contemporary societies and world systems. And those activities and systems are not so tightly bound or determinative that various forms of ICH, if invested with attention, resources and a good bit of creativity, could not survive and flourish. That is, there is plenty of scope for social action and intervention to produce valuable results - at least in the opinions of those communities, people and advocates concerned with the preservation of particular forms of cultural heritage.

As has long been pointed out in the anthropological literature, results can be deceptive. Unwanted results,

unintended consequences and undeserved repercussions can flow from the most well-meaning of interventions. The ICH Convention, as discussed here, could be misused as a means of government control and regulation of community-based culture in the guise of actually supporting it (Hafstein forthcoming, Kirshenblatt-Gimblett 2004). That might happen anyway, with or without the Convention. But with the Convention, as with the International *Declaration of Human Rights* and other such multilateral treaties and declarations, a standard is set - at least aspirationally - that provides a reasonable, universal expectation of what can be called normative action. That action is endowed with a certain legitimacy, founded on the authority of nations to be sure - but a lot of them, from all parts of the world, and representing a great religious, ethnic, and linguistic diversity. In this case, the action advised is one of respect and tolerance for the diverse traditions of the many many communities found within and among nations. That is not a bad thing to support.

One would hope that as the ICH Convention becomes operational, explicit action plans about how organisations and departments working with communities actually safeguard ICH are devised, shared and evaluated by the International Committee and the world's cultural workers. I have argued strongly that our empirical research, analyses and theoretical work has been quite insufficient to actually figure out how to best safeguard ICH (Kurin 2003). What specific interventions actually work to save a language and an oral tradition? What has been tried with regard to keeping a traditional knowledge system alive, dynamic and viable in the contemporary world? My expectation is that the treaty will evolve, as will the various safeguarding practices it defines and encourages, so that in the decades hence we will have a much better, clearer, more empirically-based idea of how to safeguard the intangible cultural heritage of the world's peoples. 🇺🇸

## NOTES

1. For the complete English text of the Convention, see UNESCO. 2003. *International Convention for the Safeguarding of the Intangible Cultural Heritage* (Paris, October 17, 2003)  
<http://unesdoc.unesco.org/images/0013/001325/132540e.pdf> (retrieved November 27, 2006)
2. The UNESCO conference co-convener was Mounir Bouchenaki, UNESCO Assistant Director-General for Cultural Affairs. The Conference was supported by the Smithsonian Institution, the Japanese Ministry of Foreign Affairs, the U.S. Department of State, the Rockefeller Foundation and the National Endowment for the Arts. Conference papers, proceedings and reports were subsequently published as Seitel (2001c)

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