Constructing New Terminology for Intangible Cultural Heritage

by Wim van Zanten

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The need for a glossary

The Convention for the Safeguarding of the Intangible Cultural Heritage was adopted on 17 October 2003 by the UNESCO General Conference at its thirty-second session. The second article of the Convention provides definitions of the major concepts of ‘intangible cultural heritage’ and ‘safeguarding’, based on those given in the 2002 glossary.1 In this contribution I would like to highlight a few points of discussion by the group involved in constructing the glossary in 2002, in relation to some earlier discussions and the 2003 convention text. The glossary is not included in the convention text itself or as an appendix, because it is considered to be ‘work in progress’.

From 22 to 24 January 2002, UNESCO organized an international meeting of experts in Rio de Janeiro on ‘Intangible Cultural Heritage: Priority Domains for an International Convention’. At this meeting experts had underlined the importance and urgency of having a glossary for intangible cultural heritage readily available. The 1989 UNESCO Recommendation aimed at the
‘safeguarding of traditional culture and folklore’, and several scholars had remarked that it was very problematic to use the terms ‘traditional culture’ and ‘folklore’, ‘which have evolved from an earlier system of colonialist thought and domination’. Certain terms used in the Recommendation, like ‘protection’, ‘preservation’, and ‘revitalisation’, have paternalistic connotations in some parts of the world. It was generally felt that the Recommendation was too researcher-oriented, and not practitioner-oriented, and furthermore too product-oriented and not centred enough on processes taking place in communities.

Consequently, it was decided to convene a meeting of experts at UNESCO Headquarters in June 2002 in order to establish the definitions of the most relevant terms. In preparation for this meeting, a group of experts from the Netherlands, invited by the Netherlands National Commission for UNESCO, proposed a set of draft definitions of terms relating to intangible cultural heritage. The group of international experts used the draft glossary drawn up by the group of Dutch experts as a starting point. It also considered earlier definitions by UNESCO and groups of scholars, notably the work done at the Turin meeting in March 2001 and two lists of definitions by Member States and intergovernmental organizations prepared by the UNESCO Secretariat. The glossary was finalized – including some additional points via e-mail correspondence – and published in August 2002.

**Definition of intangible cultural heritage: human rights**

The new definition for the intangible cultural heritage would have to take into account that the concept of culture is being questioned. Culture is now looked at as a site of contestation and no longer of homogeneous agreement between all people in a community; it is continuously re-created by people. However, culture can only have continuity if people enjoy the conditions to produce and re-create it. Furthermore, in the present context of globalization, there is a re-ordering of relationships between communities.

Views expressed at the Turin Round Table in March 2001, partially reflected in the fairly short definition of intangible cultural heritage, were as follows:

1. International efforts to safeguard intangible cultural heritage must be founded on universally accepted human rights, equity and sustainability and on mutual respect among communities.

2. The safeguarding of cultural diversity should account for the dynamics of creating, re-creating and transmission of intangible cultural heritage, that is, the social processes taking place, and the rights of culture-bearing communities and local agencies to develop their own approaches in these processes: they should have the power to define their own intangible cultural heritage.

For the group of experts preparing the Glossary, these issues provided appropriate guidelines for discussion. The human rights issue was probably the most complicated one. Should the definition of intangible cultural heritage be...
purely scientific, or should it be a scientific
definition applied to a universal and political
situation? There are forms of intangible cultural
heritage that are very damaging to other groups.
Obviously, UNESCO does not want to safeguard
intangible cultural heritage that advocates
apartheid, mutilation of women, or severely harms
other groups or individuals by any other means.
Should this restriction be included in the definition
of intangible cultural heritage?

The Turin definition of intangible cultural
heritage did not include this restriction to
intangible cultural heritage, and only mentioned it
in the recommendations. The group of experts
agreed that the Turin definition was too academic
for the purposes of the Convention. Also, at the
May 2002 meeting of UNESCO’s Executive Board,
it had been remarked that the 2001 Turin
definition was perfectly valid from a scientific
point of view, but also too abstract for operational
purposes. Furthermore, it was felt that domains
should be listed in the definition of intangible
cultural heritage to make its scope clearer.6

Hence the group of experts decided to
include the phrase referring to human rights
issues, and thus restricted the scope of intangible
cultural heritage to be safeguarded: it should be
‘consistent with universally accepted principles of
human rights, equity, sustainability, and mutual
respect between cultural communities’. During
meetings on the preliminary-draft text of the
convention in 2002–03, it became clear that this
phrasing was probably too strong. What should be
ruled out were only severe violations of human
rights. Other forms of discrimination (for instance,
against smokers, excluding women or men from
some performances, etc.) should be dealt with on
an operational level by the committees involved.
Consequently, the ‘equity’ requirement was
deleted.

The power to define

Another central question was which authority has
to define intangible cultural heritage. Should it be
the bearers of the culture, or rather professional
experts or state agencies? The dominant opinion of
the experts group was that such authority should
ultimately rest on the bearers themselves.7

Consequently the convention is about intangible
cultural heritage ‘… that communities, groups, and,
in some cases, individuals recognize as part of their
cultural heritage’. As the role of the culture-bearing
communities was considered crucial for defining
the intangible cultural heritage, the glossary
includes terms such as: agency, bearer, creator,
custodian, practitioner and researcher,
administrator and manager. 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.’ ‘Agency’ is
defined as ‘the capacity to make decisions that have
an impact on social practices and representations in
which individuals and communities are involved’.

Although several of these terms do not appear in
the text of the Convention, it is to be expected that
the planned series of UNESCO handbooks related
to the 2003 Convention will make use of the terms.

Instead of ‘intangible cultural heritage’,
the term ‘living culture’ is frequently used. Living
culture has the advantage to refer immediately to
The tangible and intangible are closely connected

The intangible cultural heritage cannot be entirely separated from the tangible heritage. Some human knowledge systems do not even differentiate tangible from intangible forms of heritage, or cultural from natural. However, for the 2003 Convention it would be important to make a clear distinction, otherwise it would not be very different from the 1972 Convention for the Safeguarding of Monuments, Buildings, and Natural Landscapes.

The intangible cultural heritage is manifested in tangible forms. For instance, knowledge and skills to build musical instruments are manifested in the products: the instruments built. Therefore, the definition of intangible cultural heritage had to mention this close connection: ‘The ‘intangible cultural heritage’ means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith …’.

7. The accordion, invented in Europe at the beginning of the 19th century, is now entirely integrated in the gamad music of West Sumatra, Indonesia.
The second part of the definition of intangible cultural heritage mentions that it is manifested in five domains, including oral traditions and expressions, performing arts, social practices, and knowledge and practices concerning nature and the universe. Item (a) reads in full: ‘oral traditions and expressions, including language as a vehicle of the intangible cultural heritage’. In the 2002 Glossary item (a) just read ‘oral expressions’. The definition given for oral expressions was: ‘Aspects of intangible cultural heritage expressed through the spoken word or in song’.

I think that the short ‘oral expressions’ in the glossary was much better; it covers all that is now said with many words in the convention text. However, it cannot be denied that language is probably the most important domain in which intangible cultural heritage is manifested, and there are many endangered languages in the world. The longer description in item 2(a) of the definition in the Convention reflects this frequently voiced concern for the critical situation of many languages of the world.
Safeguarding

The Glossary includes many terms that are related to safeguarding, like conservation, documentation, identification, preservation, promotion, protection, revitalization, sustainability and transmission. It was agreed that transmission, in formal or non-formal ways, was one of the key-elements in safeguarding intangible cultural heritage.

In the Glossary the words ‘conservation’, ‘preservation’ and ‘protection’ were defined as follows:

Conservation: ‘Taking measures to preserve social practices and representations from neglect, destruction or exploitation.’

Preservation: ‘Ensuring that certain social practices and representations are maintained.’

Protection: ‘Ensuring that certain social practices and representations do not suffer damage.’

In certain parts of the world these terms have paternalistic connotations, and the expert group feared that the use of those words might encourage ‘freezing’ intangible cultural heritage, that is, discouraging creative change. It was also remarked that we could not ensure that ideas are maintained; that would also go against the definition of intangible cultural heritage in which communities and individuals were given the ultimate authority to define their own intangible cultural heritage. Therefore, after lengthy discussions, the following remark was added to each of these three definitions: ‘This notion may not be applicable to all aspects of intangible cultural heritage. Therefore, for the purpose of the future convention, the adoption of the term ‘safeguarding’ is endorsed.’ The main reasons for including these terms in the 2002 Glossary was that the 1989 Recommendation uses them, that without doubt these terms will continue to be used in the future, and lastly that the definitions would be useful in legal proceedings.\textsuperscript{11} The definition of ‘safeguarding’ in the convention text includes the words ‘preservation’, and ‘protection’.\textsuperscript{12}

Conclusion

The 2002 Glossary is a modest start. When the 2003 Convention comes into force, the need for operational guidelines will require definitions to be revised and more terms to be defined. In fact, useful experience has already been obtained by the UNESCO programmes Living Human Treasures and Masterpieces of the Oral and Intangible Heritage of Humanity. The recent publication by Duvignaud and Chaznadar\textsuperscript{13} offers interesting viewpoints of several people involved in these UNESCO activities.

From a legal perspective there may be flaws in the definitions and the 2003 Convention text. However, it would be beneficial if this convention were to act as a stimulus for the discussion on property rights. Property right legislation is still very much based on the rights of individuals. It is time to re-think these issues, especially in the field of intangible cultural heritage, in which the creativity of both communities and individuals plays such an important role.
DEFINING THE INTANGIBLE CULTURAL HERITAGE

NOTES


3 Participants included: Mr Antonio Arantes (Brazil), Ms Lourdes Arizpe (Mexico), H.E. Mr Mohammad Bedjiaoui (Algeria; chairperson), Mr Oskár Elschek (Slovakia), Ms Sudha Gopalakrishnan (India), Mr Chérif Khaznadar (France), Mr Paul Kuruk (Ghana), Mr Ralph Regenvanu (Vanuatu), Mr Sompong Sucharitkul (Thailand; vice-chairperson), Mr Wim Van Zanten (the Netherlands; vice-chairperson), Ms Sue Wright (United Kingdom).

4 The definitions for ‘intangible cultural heritage’ produced by the various meetings are:

1) Turin, March 2001: ‘Peoples’ learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create and the resources, spaces and other aspects of social and natural context necessary to their sustainability; these processes provide living communities with a sense of continuity with previous generations and are important to cultural identity, as well as to the safeguarding of cultural diversity and creativity of humanity’ (Recommendations to UNESCO No.7 in Action plan of Turin Round Table, March 2001; see also Guide 2001:5.).

2) Glossary, 2002: ‘For the purposes of the present Convention, intangible cultural heritage means the practices and representations – together with their necessary knowledge, skills, instruments, objects, artefacts and places – that are recognized by communities and individuals as their intangible cultural heritage, and are consistent with universally accepted principles of human rights, equity, sustainability, and mutual respect between cultural communities. This intangible cultural heritage is constantly re-created by communities in response to their environment and historical conditions of existence, and provides them with a sense of continuity and identity, thus promoting cultural diversity and the creativity of humankind. (ii) Intangible cultural heritage, as defined in paragraph (i) above, covers the following domains: (1) Oral expressions. (2) Performing arts. (3) Social practices, rituals and festive events. and 4) Knowledge and practices about nature.’


1. 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. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirement of mutual respect among communities, groups and individuals, and of sustainable development.

2. The ‘intangible cultural heritage’, as defined in paragraph 1 above, is manifested inter alia in the following domains:

(a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;

(b) performing arts;

(c) social practices, rituals and festive events;

(d) knowledge and practices concerning nature and the universe;

(e) traditional craftsmanship.


7 Ibid.
8 Seitel, op. cit.

9 Ibid.

10 In the Glossary 2002 the second part of the definition of intangible cultural heritage runs: ‘Intangible cultural heritage cover the following domains’. I prefer the Convention text: ‘The intangible cultural heritage is manifested inter alia in the following domains’ (see Appendix).


12 Convention for the Safeguarding of the Intangible Cultural Heritage, 17 October 2003. ‘Safeguarding’ 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.