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Tangible Progress: A Response to "Safeguarding the Intangible" by Michael F. Brown*

Richard Kurin

Michael Brown provides an informative, well-argued, and appropriately critical cultural comment on the new International Convention for the Safeguarding of Intangible Cultural Heritage passed by an overwhelming vote of the UNESCO General Conference on October 17th [2003] in Paris. While I agree with most of what he writes, I offer some differing interpretations concerning the development, intent, acceptance, and possible consequences of the Convention.

The Convention

The new convention commits nations to develop inventories of their intangible cultural heritage (ICH)—songs, stories, musical traditions, craftsmanship, folk knowledge, "cultural spaces," celebrations, and performance traditions, and to work with local communities, groups and individual practitioners on various, appropriate means of "safeguarding" those traditions. For the purpose of the UNESCO convention, items of ICH must be consistent with human rights accords and the mutual respect of peoples, and also be sustainable. Safeguarding those traditions entails their research and documentation, education and transmission, appropriate legal protection, and forms of public recognition and support. Safeguarding, according to the Convention, must be done with the permission, cooperation, and substantive decision-making involvement of the relevant communities and practitioners. National governments may use their own resources, coupled with those of the community for such purposes, as well as seek UNESCO aid and recognition for those traditions deemed particularly valuable and especially endangered. Once the Convention is ratified by at least 30 nations-something expected in the next year, a UNESCO fund generated by member dues and donations will be established. UNESCO will also form an international committee and an internal unit to oversee the work, assuring that safeguarding efforts are based upon empirical research, sound assessment, and regular evaluation.

Brown is correct to see the Convention as part of a current attempt by a large number of nations and groups to protect their own cultural resources and advance the effort to seek some form of legal protection for them. But that is only part of the story, and a somewhat presentistic view at that. The forces that have led to the Convention have indeed been largely nationalistic. But other desires besides legal protection for cultural sources of potential revenue have motivated the movement toward a convention. Foremost among them have been the attempts to conserve

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 Editor's note: This essay should be read alongside the contribution to which it responds, which has been republished preceding it in this volume of *Museum Anthropology Review* (Brown 2012). An editorial introduction explaining the republication of both essays appears therein. Kurin's essay originally appeared in the "Cultural Comment" section of the Cultural Common's website, a project of the Center for Arts and Culture. As originally published, it was dated December 2003 and this provides the temporal context for Kurin's remarks.

cultural traditions in the face of modernization, and the need to buttress standing in the world by garnering international recognition, prestige, and even legitimization for ones own cultural heritage. A variety of international programs in the ICH arena trace their roots to the post-World War II Japanese programs which have continued through the present. Declaring cultural practitioners as "living treasures," and viewing folk traditions as "valuable intangible cultural heritage" predates current concerns about intellectual property rights. Such programs grew in reaction to the fear that local traditions would disappear in the face of modernization and thus diminish national identity.

The formal ICH safeguarding effort through UNESCO began some three decades ago following upon the development of the World Heritage List—a program oriented toward tangible monuments, sites, and landscapes. Bolivia, with support of other nations, proposed addressing oral traditions. There was little action for a decade. A variety of experts' meetings were held in the 1960s, and in 1989 UNESCO issued a "Recommendation on the Safeguarding of Traditional Culture and Folklore." This defined practices that nations could put in place to preserve their intangible cultural heritage. Very few did.

Renewed attention ensued in the mid-1990s with a series of regional conferences on the topic, and culminated in Smithsonian-UNESCO Washington conference in 1999 which found the UNESCO Recommendation to be an ill-construed, "top-down," state oriented, "soft" international instrument that defined traditional culture in essentialist, almost archival terms, and had little impact around the globe upon cultural communities and practitioners. The Conference called for a more dynamic view of cultural traditions as "living" and enacted by communities. It envisioned a community-involved, participatory approach to safeguarding efforts, and advised that a formal convention be considered. Meanwhile, the program on "Masterpieces of the Oral and Intangible Heritage of Humanity" initiated by UNESCO was seen as a corrective of sorts to the World Heritage List. Many states, particularly those in the southern hemisphere, lacked monuments and sites to be included on that list. Within UNESCO programs, their cultures were denied a form of international prestige. The Masterpieces program, and now its successor through the Convention, is a way of correcting that.

Safeguarding Cultures

If the purpose of the Convention is to safeguard cultures through various actions and forms of recognition, will it really do so?, asks Brown poignantly. Brown finds a number of problems with the Convention. It poses a normative treaty as a corrective to weighty problems of cultural survival in a complex political and economic system. Can words on paper really save cultures? It is burdened by international bureaucratic rhetoric—who else would decide on the terminologically abominable "intangible cultural heritage?" It commits national scholars and public servants to the mindless, never ending task of compiling inventories of the intangible—as if such inventories in themselves could encourage cultural vitality. Further, the reduction of culture to a list of items, particularly what might be called "expressive traditions" ignores the more holistic patterns of meaning, affect, and relationship that define culture.

To the credit of its framers, the very points Brown raises were subject to considerable debate

among international experts. Discussion tended to divide along disciplinary lines, anthropologists tended to argue that the inventories were bad applied cultural scholarship, discredited in many cases during the colonial era. List making, they asserted over and over again, would divert resources and public servants away from the task of working with specific communities on safeguarding activities. Outnumbered in UNESCO meetings, they lost out to managerial types and lawyers who argued that to save cultures you have to know what exists, what is endangered and what is not—suggesting the need for itemized lists of property, tangible and intangible. We at the Smithsonian are already seeing some of the fallout of this decision as colleagues from around the world are asking us to give them templates and train them in the making of inventories-something we are intellectually loathe to do.

Brown strongly suggests that treaties, declarations, UNESCO programs envisioned by the convention are somehow artificial. They represent the rationalization of cultural processes by scholars, cultural workers, bureaucrats, and diplomats. Such artificial interventions impose themselves on a cultural reality that is more spontaneous—the everyday life of people, embedded as it is with meaning. UNESCO programs are thus likely to impose themselves upon communities, miss the spirit of a culture, and be ineffective in dealing with the "hard" issues of jobs, health care, and quality of life. Furthermore, one could add that such interventions could have unintended consequences that result in destroying rather than preserving cultural traditions.

My problem with this formulation is that there is no "natural" cultural situation any more than there is an "artificial" situation. The natural condition of culture is not a people isolated doing their own thing, unaffected by the rest of the world and oblivious to it. Much of what many cultural communities today take as "traditional" is the direct result of actions, policies, and interactions with global, regional, and other forces distant from their daily lives. Local traditions represent not only practices and innovations inherited from a chain of ancestors, but also adaptations of and reactions to those from far away. All sorts of forces affect cultural practices and expressions these days-the stock market, the war in Iraq, the spread of AIDS, pollution, deforestation, global warming, regional conflict, fundamentalist movements, and so on. Which of these are "natural" and which "artificial"? UNESCO is merely a player and its programs envisioned under the Convention a means of weighing in, and trying to promote the value of diverse local cultures. Its interventions will no doubt change the very cultures it seeks to safeguard—but they have to if indeed those cultures are to survive and flourish. Hence the Convention contains the provision that UNESCO recognized ICH be sustainable.

The Convention does reinforce the idea that the practice of one's culture is a human right. It seeks government recognition and respect for the varied cultural traditions practiced by people within its jurisdiction. It seeks to bolster the idea that all cultures give purpose and meaning to lives and thus deserve to be safeguarded. It privileges the culture bearers over the State. It suggests that forms of safeguarding be integrated with legal, educational, and economic development efforts where appropriate so that culture retains its vitality and dynamism. These are all reasonable orientations. The Convention calls upon nations and communities to develop action plans for safeguarding culture. Those action plans will be formulated with expert involvement, and to be good, should be based on research, community input, and comparison with other such interventions. An international committee will evaluate those plans and conduct follow-up assessments. Hopefully, over time, they will develop a critically formulated idea of

best practices, and literature-empirical and theoretical-to back it up. Brown is absolutely correct-there is no guarantee that such work under the Convention will succeed. But the Convention makes it a bit more likely to do so. It provides a tool for culture bearers and culture workers—how useful remains to be seen. It is clearly a work in progress wherein the experts and community people, policy makers and scholars will try to figure out how to safeguard cultures over the coming years.

When this essay was originally authored, Richard Kurin was the Director of the Smithsonian Center for Folklife and Cultural Heritage. In 1999 Kurin organized a joint Smithsonian-UNESCO conference on international attempts to safeguard traditional cultures, and at the time of initial publication he served on the UNESCO jury for the "Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity," a program now incorporated within the Convention's purview. During his time as CFCH Director, he attended meetings of the intergovernmental experts as part of the U.S. delegation to draft the Convention, and wrote the brief for the U.S. Department of State recommending amendments to the draft Convention and U.S. support for it. He is presently the Smithsonian's Under Secretary for History, Art, and Culture.