

**Priority domains selected for the Proclamation in the field of intangible heritage and suggestions for a future international convention (A report on the Elche meeting of the Proclamation Jury).**

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The perspective of the jury

I am presenting this report as a member of the International Jury for the Proclamation by UNESCO of Masterpieces of the Oral and Intangible Heritage of Humanity. While this report does not necessarily reflect the individual views of my colleagues in the international jury, it does present the consensus positions adopted by the jury on the issues I will address. These positions, especially as regards the domains in the field of intangible heritage to be prioritised, were articulated most clearly in the extraordinary meeting of the jury held in Elche, Spain, in September 2001 for the purpose of refining the selection criteria and procedure by which candidatures were chosen for proclamation.

The mandate of the jury is to select or choose, out of a broad range of candidatures submitted in a number of domains of intangible heritage by member states, those to be proclaimed by UNESCO as “Masterpieces of the Oral and Intangible Heritage of Humanity.” This is a role that reflects the purpose of the Proclamation program, which is:

... to pay tribute to outstanding masterpieces of the oral and intangible heritage of humanity, which will be selected from among cultural spaces or forms of popular or traditional cultural expression and proclaimed masterpieces of the oral and intangible heritage of humanity [...], ... to encourage governments, NGOs and local communities to identify, preserve and promote their oral and intangible heritage ... [and] to make outstanding contributions to managing, preserving, protecting and promoting the oral and intangible heritage in question...

(from the Regulations relating to the Proclamation).

... or, as succinctly summarised in the annotated agenda to this meeting:

... to establish a world list of oral and intangible heritage and to mobilize public opinion towards the urgent need for safeguarding and revitalising this valuable heritage...

This is a purpose that differs slightly from that envisioned for the forthcoming international convention in that the latter will have the broader objective of safeguarding a wider range of oral and intangible heritage without having to select or privilege certain discrete expressions of this heritage over others. Furthermore, the jury's role is not only to select the masterpieces to be proclaimed, but also to assess the capacity of communities, NGOs and governments to safeguard and perpetuate the values that define these masterpieces - as such - indefinitely.

However, it is both logical and desirable that the Proclamation program and the forthcoming convention converge. In this regard, the insights of the Proclamation

program, and the perspectives of its jury, are important and can provide valuable insights in the process of developing this future international instrument.

### Purpose of the Elche meeting

The purpose of the extraordinary meeting of the jury held in Elche in September of last year was to establish, on the basis of the general selection criteria already identified in the Regulations relating to the Proclamation, a more detailed set of selection criteria by which candidatures were to be chosen for proclamation. The meeting was also to re-assess the procedure followed by the jury in its meetings to make this selection. The need to further reflect on the criteria used and procedure followed by the jury was already envisioned in paragraph 4(b) of the Regulations, which required the jury to make such clarifications. It was further reinforced, however, by some of the difficulties faced by the jury in the course of its first regular session in May of last year at which the first 19 masterpieces were chosen. At this meeting, the consistent and articulate application of the criteria in assessing the candidatures was not entirely satisfactory.

### Outcomes of the Elche meeting

#### *1) Endorsement of the Turin definition*

The Elche meeting unanimously endorsed the Turin definition of intangible cultural heritage.

#### *2) NO prioritising of domains*

The Elche meeting came to address the issue of privileging certain domains in the field of intangible heritage most directly when the suggestion arose that some domains should be prioritised for consideration of the jury when selecting masterpieces for the Proclamation. This suggestion was made to both (a) expedite the selection process for the jury by limiting the scope of domains in which candidatures could be submitted by member states, and (b) focus the Proclamation program as a whole upon certain domains of intangible heritage, which were to be identified by the jury at this meeting. The discussion and resulting consensus on this issue provides some very useful insights for the purpose of this meeting.

It is important to note, first and foremost, that jury members at the Elche meeting were unanimous in their desire NOT to favour or privilege certain domains in the field of oral and intangible heritage over others. The principle reason for this is that the overarching goal of the Proclamation program, and of UNESCO itself, is the promotion of cultural diversity (the recent adoption of the UNESCO Universal Declaration on Cultural Diversity further demonstrates this). This goal requires a capacity to recognise all the different forms in which culture manifests itself. Different cultures favour different modes or domains of cultural expression, and what one culture sees as a particularly important mode or domain of expression may not be particularly important in another culture. Accordingly, to privilege certain domains in the Proclamation program would be to ignore, disrespect and discriminate against those cultures which favoured the particular domains that were being excluded as modes for expressing their own cultural identity. There are numerous examples one can refer to here, but the most obvious one is that of the vast field of intangible

heritage itself. While UNESCO has long-established international conventions on sites, monuments and on artefacts, we are only now starting to establish a similar convention on intangible heritage. One could well argue that this is because monuments and artefacts have been important from a Western/European viewpoint, whereas for most of the rest of the world, and particularly for indigenous cultures and local communities embodying traditional lifestyles in the majority world, they are only part of a much wider – and for many of them more privileged – domain of intangible heritage.

The point was also raised in Elche that it is only the people of a certain culture, and among them the custodians or practitioners of the culture in particular, whom can identify and define what domains of their heritage are most important. This is not something we can know about to appropriately act upon at a forum such as this. At the end of this meeting, for example, we can come up with our own list of priority domains for a convention and I am sure that the most important domains of many cultures not represented or known about by participants at this meeting will be excluded. On a number of occasions in the course of the meetings held over the past decade to develop our understanding of intangible cultural heritage, for example, “experts” have questioned the inclusion of the so-called “high arts” of the oriental cultures within this field due to the difficulty with which some of the criteria held to define intangible heritage can be applied to them. Our Japanese, Chinese and Korean colleagues have never had such difficulty, however; - in their cultures these “arts” are a privileged domain, and there is no question of them being a part of the oral and intangible heritage of humankind. Indeed, “high art” forms from all these countries were amongst the first 19 “masterpieces” proclaimed by UNESCO last year.

In my mind, then, the most important recommendation to come from the jury to this meeting is that the principle of cultural diversity requires and demands NO privileging of domains in the field of intangible heritage; – that rather we should be seeking to adopt terminology and establish principles that encompass and embrace all forms of cultural expression, especially in consideration of those cultures we know very little about.

To achieve the quite reasonable and desirable objective of expediting the selection process for the jury while still maintaining the capacity to embrace all cultural diversity, we established at Elche the possibility for the jury to set specific domains in which candidatures could be submitted in each submission period. The detailed criteria established reads thus:

In the vast domain covered by the oral and intangible heritage of humanity (as defined in the Regulations relating to the Proclamation), the selection of masterpieces *may include but not be limited to* areas such as cultural events [expressions] closely linked to languages, oral traditions, rituals, the performing arts and craft skills. To facilitate this process, the Jury may identify certain fields of expression for specific consideration in each submission period. [*my emphasis*]

## 2) *Exclusion of language*

There was one important exception to the decision not to exclude any domains, however, and this was the domain of languages. The jury felt that as the primary

vehicle or expression of a worldview – or culture – each and every language was in itself a masterpiece, and one could not be selected over another. This is easily illustrated by comparing any language you care to think of with another: who is to say one is a “better” or “more valuable” language than the other? All languages embody the way(s) in which its users perceive and act upon the world – their definition of the way they are, their identity - their “culture”, in fact. In this regard, therefore, the following detailed criteria was established:

Languages, as such, will not be eligible for proclamation. For cultural expressions closely linked to languages to be considered for proclamation, the candidature has to demonstrate satisfaction of 4 requirements : 1) the proposed masterpiece is created as an oral expression (is originally oral before being transcribed) ; 2) the orality of the expression has been maintained to the present and continues to be a defining feature of the expression ; 3) the expression is presented as a clearly defined corpus of the orality concerned ; 4) the measures proposed in the action plan target the orality (oral and intangible dimensions) of the expression.

### *3) Orality as a defining feature of the expression*

The establishment of the 4 requirements for “cultural expressions closely linked to languages” to qualify as candidates for proclamation illustrates a further clarification made by the jury about certain domains of intangible heritage. These are the domains involving oral recitals (which are spoken or sung - and therefore also performed - in the language in question) of given “texts” or passages which have been transmitted down through generations and can be considered as fairly standardised “set pieces”, sometimes also known as “oral literature”. Many such traditions have been transcribed as written text and/or music, and many have existed as living traditions alongside their transcribed versions for several hundred years now. What this detailed criteria clarifies is the aspect of these domains covered by the Proclamation program in such instances; that is, the oral and intangible aspect rather than the transcribed aspect. For such expressions, then, the criteria for qualification as a candidate for proclamation is clear:

- 1) it is an oral expression prior to being transcribed,
- 2) it is defined and perceived as being an oral rather than a transcribed expression,
- 3) it is a tradition which can be clearly defined (labelled) and isolated from the aspects or domains of which it is composed (the latter being, for example, music, dance, story-telling...),
- 4) the actions proposed to safeguard and revitalise it clearly target its oral and intangible core.

To provide further clarification for member states thinking of submitting candidatures within the broad domain of oral traditions and/or cultural expressions closely linked to languages, the following guideline was established by the Elche meeting:

The presentation of the candidature of a corpus of oral texts (oral literature) should be accompanied by a video of its performers, performance and performance contexts so that its artistic attributes manifested in its performance practices, including e.g. modes of expression, vocal techniques, gestures, movement expression and musical accompaniment, if any, can be clearly seen where these are essential components of its modes of communication.

The first two requirements are of use when considering the scope of domains to be covered by a future international convention. It is important for this purpose not only to recognise the oral and intangible aspects of a given cultural expression, but also to recognise when the oral and intangible aspect is the “defining feature” of the expression. It is sometimes difficult to assess what the most important aspect of a particular cultural expression may be, especially when it is closely linked to a language, site or artefact. This is not to say that sites or artefacts should be excluded from consideration – they are, after all, included in the Turin definition of intangible cultural heritage. Rather, the centrality of enactment (“processes”) as the creation of intangible cultural heritage should always be kept in the foreground, and expressions which do not centre around enactment – the agency of the practitioners - should perhaps not be included within the scope of the future convention, but left to the other already-existing conventions for the safeguarding of cultural heritage (for example, the World Heritage Convention).

#### *4) Consistency with the ideals of UNESCO*

The detailed criteria established by the Elche meeting in this regard reads:

All the spaces or forms of cultural expression qualifying for proclamation ... must be consistent with the ideals of UNESCO and, in particular, with the Universal Declaration of Human Rights...

I have found this to be a particularly useful principle in identifying domains to be excluded from consideration. It is useful because it reminds us of the context in which we are attempting to safeguard and revitalise intangible cultural heritage. We are not working in a vacuum, nor are we in academia. Rather, we are within the United Nations, within UNESCO, and within the framework of nation-states which have agreed to work together to establish common principles under which all their citizens will live. Therefore, pure cultural relativism of the kind expressed in my first point (“*NO prioritising of domains*”) can be countered. Under this criterion there are numerous domains which can be excluded from the scope of the future convention. These include, for example: methods of torture and interrogation; harmful witchcraft and sorcery practices; crafting of weapons of war; institutions and practices that are harmful to women, children and/or minorities; non-participatory decision-making structures; etc. Furthermore, there are domains which can be promoted, by being explicitly named within the convention – for example: peace-making traditions; conventions of respect between generations and genders; traditions which exemplify tolerance of minorities; etc.

Using the same rationale, it will be virtually impossible for the future convention to include within its scope of domains sets of laws (which, to be considered, would constitute a corpus of oral literature). Long-lived laws will almost always have elements that contravene the Universal Declaration of Human Rights and the ideals of UNESCO.

#### The incorporation of the Proclamation program in the future convention

The Executive Board of UNESCO has already expressed its desire to see some harmonisation of the Proclamation program with the development of the future

international convention. The General Conference of UNESCO also last year endorsed the increasingly prevalent view that the future convention should use the World Heritage Convention as a model. Given that the World Heritage Convention proclaims sites of exceptional value by inscribing them on a world list of heritage sites and mobilises public opinion and builds capacity to safeguard these sites (the twin objectives of the Proclamation program in the field of intangible heritage); and given that it is an international convention of the kind envisioned for the future convention we are discussing; it seems that there is no alternative to making the Proclamation program part and parcel of the new convention. The long-term success of the World Heritage Convention, furthermore, provides an outstanding reason to follow the path towards incorporation of the Proclamation program in the convention. The merging of the two initiatives will also eliminate the duplication in development of the intangible heritage concept now being experienced as both the jury and expert meetings such as this one continue to refine our understanding of this field.