

RESEARCH FOR THE SAFEGUARDING OF ENDANGERED INTANGIBLE CULTURAL HERITAGE: REFLECTING ON THE LAST DECADE

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INTRODUCTION

In June 2012, IRCI and Maison des Cultures du Monde hosted the First ICH Researchers Forum meeting on the implementation of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (ICH). This initiative followed an earlier meeting in March of the same year about documentation as a tool for community-led safeguarding, which resulted in some guidelines on documentation activities.

At the June 2012 meeting, a number of influential speakers made interventions about the role and future of the Convention, including two former chiefs of what was then known as the ICH Section in UNESCO, Rieks Smeets and Lourdes Arizpe. At the end of the meeting, Chiara Bortolotto and the author of this paper presented a review of current research directions in the field of ICH, called 'Charting A Way Forward: Existing Research and Future Directions for ICH Research Related to the Intangible Heritage Convention' (Deacon & Bortolotto, 2012). Since then, a considerable amount of research has been done in the field internationally, including some research by IRCI itself on endangered ICH. A number of databases of ICH-related research have also been established and expanded, including by IRCI and more recently by the UNESCO Living Heritage Entity itself.

This paper will reflect on the research that has been done on ICH over the last decade since our 2012 paper, identifying key trends and some remaining gaps. It will also more specifically reflect on the outcomes of the project conducted by IRCI on Legal Systems related to ICH in the Greater Mekong Region in the context of other research on legal aspects of ICH safeguarding globally, and areas of further work including gender and sustainable development.

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SETTING A RESEARCH DIRECTION: THE ROLE OF BIBLIOGRAPHIES

Bibliographies of ICH-related research can play an important role in sharing information with various stakeholders to make ICH safeguarding activities more effective, and demonstrating gaps and key areas for future work. Collecting useful information on ICH-related research for the purposes of informing is not a simple task, however. Histories, travel accounts, ethnographies and folklore studies have been written on cultural practices for many decades. However, these do not always relate to discussions on ICH safeguarding in the context of the 2003 Convention. Research activity is often both rather removed from the practical activities of community-led ICH safeguarding, and from government policy or the work of international agencies.

In our 2012 paper, Chiara and I explored the landscape of research on ICH in order to identify gaps and possible future research directions that related to the work of the 2003 Convention. We created a database of over 600 papers on this topic using Google scholar and academic reference databases. We found that the following topics were particularly well represented in the research:

- The 2003 Convention, its history and philosophy or politics
- ICH and the law
- Tourism and ICH
- Museums and ICH (intangible values), and
- Management of ICH associated with sites (intangible values)

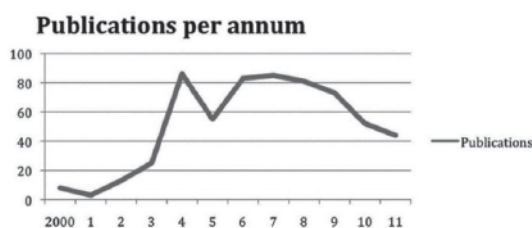
We suggested some future priorities for consideration:

- Community participation in heritage safeguarding
- ICH and mobility (e.g. migrants and refugees, shared and transboundary ICH)
- ICH and human rights (including gender)
- ICH and sustainable development, and
- ICH and State interventions

Some additional features of the research ecosystem were also of concern to us (Figure 1):

- Researchers often paid little attention to critical reflection on their own roles in the safeguarding process
- Comparative analyses were relatively rare
- There was a wide gulf between critical theory and practice, and
- Language and other factors created barriers between different bodies of research within the field

INCREASING NUMBER OF PUBLICATIONS



INCREASINGLY SELF-REFERENTIAL



LANGUAGE BARRIERS, DEARTH OF COMPARATIVE ANALYSIS, REFLEXIVITY SEPARATION BETWEEN THEORY AND PRACTICE

Figure 1 The research ecosystem (Two graphs from: Deacon & Bortolotto, 2012, p. 34)

The work we did on this paper had two main outcomes. First, the establishment of an ICH chapter or network within the Association of Critical Heritage Studies, formed in 2014. This is still operating, with over 1200 members and a monthly newsletter. It tries to bring together researchers from different countries and link them to the work of the Convention, as well as to other work being done in frameworks such as WIPO's Intergovernmental Committee on intellectual property rights associated with traditional knowledge.

The second main outcome was the establishment of a structure within the Living Heritage Entity of UNESCO for an online multilingual searchable database of research references relating to the work of ICH safeguarding in the context of the Convention, known as the 2003 Convention Research Bibliography.² The research bibliography we created had in the meantime been further updated by Maison des Cultures du Monde in France, under the direction of Séverine Cachat. The IRCI is represented on the editorial board of this initiative.

The IRCI in the meantime had also been busy creating its own research database under the projects Mapping Studies on the Safeguarding of ICH (FY2013–FY2019) and Sustainable Research Data Collection for ICH Safeguarding in the Asia-Pacific Region (FY2019–FY2021).³ It aimed to:

- Focus on the Asia Pacific region
- Focus on endangered ICH
- Promote researcher collaboration, and
- Promote community participation in research

² See <https://ich.unesco.org/en/2003-convention-and-research-00945>

³ See <https://www.irci.jp/ichdb/?c=detail&bid=447>

In developing this database, the IRCI noted similar challenges to the ones identified in our own research. It is hard to identify appropriate articles in the absence of wide awareness of the Convention, to find appropriate ways to classify the research, and to update it.

The online searchable database is currently at:

- 2,452 publications
- 200 institutions
- 2,612 researchers

THREE KEY AREAS IN CURRENT RESEARCH

There are a few areas which deserve specific attention in current research on ICH in the context of the Convention:

- Legal frameworks for ICH safeguarding
- Gender and ICH
- Sustainable development and ICH safeguarding

Although considerable research had already been done on law and ICH in 2012, as identified in our study, further work was needed especially to inform the development of national policies after ratification of the Convention. The IRCI undertook a Study of Legal Systems related to Intangible Cultural Heritage in the Greater Mekong Region (2013–2016). This investigated legal mechanisms for ICH safeguarding in the Greater Mekong region in Viet Nam, Cambodia, Myanmar, Thailand, Laos and other countries in Southeast Asia from a comparative perspective. The project concluded with recommendations and a checklist which was proposed to be part of a draft “tool kit for planning legal mechanisms”.

Increasing interest in exploring how ICH is incorporated into national law under the influence of ratifications of the 2003 Convention also informed the Osmose project, coordinated from France and Latvia. The project (which resulted in a book; Cornu et al., 2020) undertook comparative analyses of national legal frameworks for ICH safeguarding, covering 26 countries, based on in-depth historical and political analyses of specific court decisions, cases and legal frameworks. The study found that one of the key influences of the Convention on ICH-related legislation at the national level has been the principle of community participation in ICH identification and safeguarding. Interactions between ICH law and human rights, environmental and intellectual property (IP) rights law will probably be the basis of the most interesting future research questions in this field.

The human rights aspects of work under the 2003 Convention are very relevant to safeguarding of endangered ICH. Some of the pathbreaking research in this

field (Janse, 2020) has been done in Japan, so again Asia can play an important role in informing the debate. Janse notes the following points in her thesis on the topic (Janse, 2020):

- Heritage is gendered (Smith, 2008)
- Gender-discriminatory practices are often condoned or excused by reference to culture (Shaheed, 2014).
- Gender has been rather neglected in the work of the 2003 Convention (UNESCO IOS 2013)
- Gender is generally treated as a niche topic in heritage research (Wilson, 2018)
- The neglect of gender as an issue in ICH safeguarding can further endanger it.
- More research is needed on how gendered roles and restrictions in ICH (which may be perpetuated by safeguarding) are adversely affecting the lives of those denied participation, or specific categories of people (Janse, 2020).

Finally, more work needs to be done on the link between ICH and sustainable development, but particularly in regard to economic activities, which can make the difference between the survival and demise of endangered ICH.

Tensions between the commercialization pressures of tourism and tangible heritage conservation have been identified both in urban contexts (e.g. Erbas, 2018; García-Hernández et al., 2017; Nasser, 2003) and in rural development studies (Machowska, 2016). The ‘carrying capacity’ of tourist sites or ‘limits of acceptable change’ in regard to maintenance of heritage value (for example, Coccossis, 2009; Godwin, 2011) have been developed to understand the relationship between tangible heritage and tourism, but have not generally been applied to ICH. In fact, there has been relatively little serious academic analysis on understanding the relationship between intangible cultural heritage (ICH) and the market (Lixinski, 2018, 2020) in spite of longstanding market engagement coupled with concerns about its effect on the heritage and bearer communities.

Craft, traditional medicine, and performances or other practices that are considered heritage today have often been closely linked historically to markets for products and services. Gifts, sales and patronage have supported artists and performers for generations. Nevertheless, anthropologists and other actors, including local communities finding their cultural heritage misappropriated, have noted for some time that there may be negative effects of market pressures on ‘traditional culture’, ‘folklore’ or ICH practice (Comaroff & Comaroff, 2009). In the critical heritage studies literature, the market is usually considered a corrupting force affecting the relationship between communities and their intangible heri-

tage (e.g. Kirshenblatt-Gimblett, 2004, 2006; Bendix, 2018) or, at best, a necessary evil (see Bortolotto, 2020, 2021).

Debates in the framework of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO, 2003; hereafter the Convention), have highlighted similar concerns about safeguarding, or protecting ICH practice and its practitioners from the dangers of the market. While the Convention states that ICH deserves international, as well as national or local, attention because it is an important driver of human development, identity and creativity, its *raison d'être* is that ICH is vulnerable to loss and damage (Preamble, UNESCO, 2003). The Operational Directives (ODs) of the Convention raise concerns about how decontextualization, over-commercialization or misappropriation of ICH by third parties for commercial purposes can affect the viability, value and meaning of ICH elements to bearer communities (UNESCO, 2020, paras. 102, 117, 171). Nevertheless, the Convention's texts currently give little practical guidance on how to identify the problem, and what to do about it. Resolving these concerns is essential if ICH practitioners are to be able to sustainably benefit from engaging in the market. There are also important theoretical and practical parallels between managing adaptations to ICH in the changing context of economic activities, and in the context of emergencies, such as climate change.

Research has a role to play in developing guidance what should be done to identify and mitigate any harmful effects for communities of placing ICH-related products and services on the market, and maximizing benefits from it if they do so. In expanding market opportunities, how can bearer communities maintain the viability of the heritage? How can they most effectively promote and protect their reputation and raise awareness about their art? How can they balance safeguarding heritage skills while promoting their work and innovating to reach new markets? How can they identify and protect their rights and interests when third parties use images of their work without permission or fail to attribute them?

A more theoretically robust and practically oriented conversation on heritage commercialisation can help communities planning sustainable development through ICH. To this end, I was involved in a project funded by the British Academy in 2018–2021, called 'Celebrating local stewardship in a global market: community heritage, intellectual property protection and sustainable development in India', led by Charlotte Waelde (Coventry University, UK) and Ananya Bhattacharya (Contact Base, India). The project worked with three different local communities making and selling ICH-related products or performances in West Bengal, India. The project developed HIPAMS (heritage-sensitive intellectual property and marketing strategies) to maximize benefits and minimize risks of community engagement with the market. HIPAMS were co-created by community artists, an Indian NGO (Contact Base / Banglanatak.com), and an academic team

based in Europe. Based on insights from the process the project team subsequently developed a HIPAMS planning toolkit that could be adapted and applied in other contexts.⁴

As we discuss in Deacon et al. (2021), developing HIPAMS involved diagnosing areas of concern identified by community members and then co-creating coherent strategies to address them. The HIPAMS conceptual model developed during the process is based on four interlinked areas of work: community empowerment, heritage skills repertoire and innovation, and reputation. The relationship between these areas can be considered across two axes: a stability and change axis (heritage sensitive repertoire-innovation) and an internal-external axis (community empowerment-reputation) (Figure 2).



Figure 2 The HIPAMS canvas (Edited by the Author. See www.hipams.org.)

The HIPAMS research highlighted the value of collective organisation and action to help bearer communities control the commercialization process. ICH bearers should be empowered to design and implement their own market strategies, if they wish to commercialize their ICH. In the HIPAMS project, community organizations and common online platforms helped bearers to engage in more collective marketing. Increased knowledge about intellectual property rights (such as copyright) provided by community workshops helped artists negotiate relationships with third parties (for example when people wanted to reproduce their designs for commercial purposes). It also helped them build the reputation of their goods in the market (for example through registration of geographical indications). Community art codes provided guidelines for ethical conduct by third parties such as gallery owners, event organizers film makers, and publishers (Deacon et al., 2021).

Reputation of ICH-related products and services has both internal and external value for bearer communities. To ensure ICH safeguarding as well as ongoing production and successful marketing of ICH-related goods and services, both the community of artists and those who buy their products or services need to

⁴ See www.hipams.org.

believe in, or be persuaded of, the cultural significance of the ICH, and its value in the market. This helps in ensuring fair pricing and market reach, as well as for encouraging transmission and practice within a community. In the HIPAMS project, promotional strategies were designed based on a market analysis and discussions about the heritage messages artists wished to convey, and to whom. Digital storytelling workshops were designed to help artists themselves to communicate this heritage information, and in some cases to correct misperceptions of consumers in the market (Rinallo, 2020). Reflecting publicly on the meaning and value of heritage in storytelling messages helped to promote the reputation of the products and services on the market, deepen the quality of heritage information communicated to outsiders, and maintain interest in the tradition within the community (Deacon et al., 2021).

Ensuring that bearer communities (as a group) can practice the full range of a tradition is more valuable for the long-term safeguarding of an ICH element than ensuring that each product created by an individual artist is in line with the tradition. Maintaining the skills and knowledge to perform an ICH practice (heritage skills repertoire) was thus a key area of discussion in the HIPAMS process. Bearer communities were encouraged to consider what they thought the ‘roots’ of their tradition were, how products produced for personal use or the market (the ‘fruits’ of the tradition) reflected this range of skills and knowledge, and what aspects were potentially being forgotten in the current product mix. Strategies were developed to increase the range of heritage references in market products, which encouraged renewed practice of those skills within the bearer community. Of course, ICH practice is constantly changing and developing; the innovations of today are often accepted by bearer communities and practitioners as part of tomorrow’s tradition. The HIPAMS process thus also encouraged a discussion about changes in ICH practice over time, for example exploring historical practices such as the use of natural dyes and decorations as part of an eco-friendly turn in new products (Deacon et al., 2021).

The HIPAMS project showed how a mix of legal, organizational, promotional and safeguarding tools could be chosen through community dialogue, with support and capacity-building as needed, and combined in coherent strategies. The strategies aimed to increase community control over their engagement with the market, and thereby create more benefit for themselves, both individually and collectively (even in a time of COVID), and also encourage the continued practice and transmission of their ICH (Deacon et al., 2021). Further to the summary above, the evaluation of the project, available on the website, details the success of HIPAMS in doing so.⁵

5 See Deacon et al. 2021 and the HIPAMS Project final report, available at <https://www.hipams.org/evaluation-report>

CONCLUSION

The IRCI has played an important role in encouraging the development of bibliographies and academic networks on ICH, not just in the Asia Pacific region but also more generally. Its research has also supported further analysis of ICH-related policy at the national level in various countries of the region, complementing other work done in this area. IRCI's work on safeguarding of endangered ICH and responding to disasters and emergencies supports an important broader focus on how ICH can adapt and continue to benefit communities in changing contexts, including economic contexts. It thus links closely to work being done on the role of ICH in sustainable development, and how communities concerned can benefit socially, culturally, environmentally and economically from its safeguarding.

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