

UNESCO Draft Convention For Safeguarding Intangible Cultural Heritage: "No Folklore Without the Folk"

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After three decades of deliberations among nation-states, informed by periodic consultations, primarily with cultural and legal experts, and occasional participation of tradition bearers, the Executive Board of the UNESCO General Conference invited UNESCO Executive General, Koichiro Matura, to develop a preliminary draft convention for the safeguarding of intangible cultural heritage. UNESCO emphasizes that "this new normative initiative aims to satisfy social and cultural needs not yet adequately met by international law." It is expected that Mr. Matura will convene the first of future meetings, in September of this year, to define the scope and move forward the work on a preliminary draft convention. This is a most significant development for tradition bearers and cultural communities and other civil society actors, particularly professional cultural workers in various culture related disciplines whose primary work is collaboration with communities in self representation. The preliminary draft points out that this initiative, while building on previous stages of UNESCO work on the topic, is being launched in a new era characterized by "the accelerating process of globalization and social transformation." In this context it is notable that an increasing number of cultural workers in various disciplines and types of work along with a variety cultural communities are coming together like civil society actors around the environment, global economics, HIV AIDS, etc., across national, regional, and global frontiers, to be more actively and consistently involved in cultural policy deliberations in and among states.

What is referred to as intangible cultural heritage has not been included in standard setting measures reflected in all of UNESCO's Cultural Heritage Conventions (1954, 1970, 1972, 2001), and in its general Recommendations on Cultural Heritage. Formal attention to intangible cultural heritage was prompted in 1973 by a proposal from the Bolivian Government to regulate the conservation, promotion, and diffusion of folklore. UNESCO responded with a series of studies which led to agreement on a universal standard setting measure through the General Assembly's adoption of a non binding agreement: *Recommendations on the Safeguarding of Traditional Culture and Folklore*, in 1989.

Between 1995 and 1999 UNESCO held eight regional seminars throughout the world to evaluate the application of the 1989 Recommendation. Among other observations the evaluation concluded that the 1989 Recommendation was less effective than was expected, "mostly due to its soft law nature and lack of incentives which could stimulate Member States." CFCH was formally requested, initially through the work of Tony Seeger, then director curator of Smithsonian Folkways Recordings, to collaborate with UNESCO to analyze and produce an official summary of the eight regional evaluation seminars, and to coordinate and convene an international conference to discuss and debate the evaluation of the 1989 Recommendation, and recommend next steps.

Drawing upon its first principles -- recognition, respect, and collaboration with agency in cultural communities -- CFCH accepted the invitation to collaborate with UNESCO with the proviso that tradition bearers be invited to fully participate in discussions and recommendations to advance protection of intangible cultural

heritage. "There is no Folklore without the Folk" emerged as a useful catchphrase in CFCH staff and Associates discussions and debates about how to improve the 1989 Recommendation, serving as a reminder of the Center's first principles and allegiances to cultural communities. The UNESCO-Smithsonian international conference, "A Global Assessment of the 1989 Recommendation on Safeguarding of Traditional Culture and Folklore: Local Empowerment and International Co-operation," held in Washington in 1999, emphasized the indispensable roles of cultural practitioners as guarantors of conscious transmission and adaptation of living and past cultural heritage, and stressed the need for new and revised elements in the instrument regarding the scope and the definition of intangible cultural heritage. Peter Seitel was requested by UNESCO to prepare a working definition of intangible cultural heritage and folklore for deliberation in Turin, Italy, in March 2001 (see Fall 2001 Talk Story).

Through co organization of the 1999 conference and participation in subsequent meetings in Turin, Rio de Janeiro, and Richard Kurin's membership on UNESCO's selection committee for the project "Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity," which lists selected examples of endangered oral and intangible heritage requiring urgent safeguards, and identifies "best safeguarding practices," CFCH staff and research associates have sought to contribute to institutionalization of cultural democracy in UNESCO, the heart of which is self representation by representatives from cultural communities. (See *Current Anthropology*, February 2002.)

Successful interplay on this pivotal matter of cultural policy between state actors, who negotiate and make decisions on cultural and educational matters in the multi state body that is UNESCO, and representatives of traditional cultural communities opens a major opportunity and challenge to break new ground. These consultations and negotiations will serve broad interests of cultural communities, allowing them to participate actively and qualitatively in decision making. In this way communities can use their cultural processes and products to achieve overall community stability and fuller participation in all dimensions of national and global civic life.

This new normative initiative (drafting and agreeing on a convention) is a long and complex task for states to undertake and for citizens to qualitatively influence and inform. It requires decision making state participants to go well beyond philosophical platitudes to adopt legal language that would hold States accountable for particular outcomes and time tables. UNESCO deserves applause for arriving at this potential watershed after many years of time consuming work. It also deserves and requires support and active involvement from all quarters of civil society, especially cultural communities and professional cultural workers, if it is to make significant and timely progress in the near future. The cultural program at the U.S. State Department will comment on the scope and content of UNESCO deliberations on this matter as the U.S. Government proceeds to re join UNESCO. CFCH urges all cultural workers, cultural advocates, and scholars to become involved, joining with representatives from cultural communities to ensure inclusion of the principle of participatory cultural democracy in what we hope will be an enforceable UNESCO Convention among member states to safeguard traditional cultural heritage and folklore.