

The Heritage Regime and the Declarative Policy from Intangible Cultural Heritage Manifestations in Peru (1986-2022)

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Introduction

Through the Supreme Resolution N. 022-86-ED from January 30, 1986, the Ministry of Education declared the choreographic and musical forms of the marinera the Nation's Cultural Heritage. The document referred to the Declaration from Mexico given during the World Conference on Cultural Policies organized in 1982 by UNESCO and used as legal framework the General Law on Support to the Nation's Cultural Heritage from 1985.⁷¹ For the first time the Peruvian government converted a living cultural practice into a constructive element of the nation's heritage.

Thus, started outlining a heritage regime (Bendix, Eggert & Peselmann, 2013) and an authorized discourse of heritage (Smith, 2006). The adoption and implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage from UNESCO by the Peruvian government will highlight tensions inherent to the construction of a participative inventory of the intangible heritage. It consists of different logics and agendas for registration, which are captured in the mechanism from declarations.

To put this into perspective, from 1986 to 2001 the Peruvian government issued only five declarations of Nation's Cultural Heritage, while between 2003 and 2022 it declared 298, to a total of 374. In this context, and understanding the heritage of cultural manifestations as social construction processes (Kuutma, 2012: 24) and metacultural production (Kirshenblatt-Gimblett, 1995, 2004), this article has the objectives described ahead.

First, delve into the process of construction of the Peruvian heritage regime. For this purpose, an analytical reading of its normative milestones has been carried out. Furthermore, the study of the composition of the universe of declarations made until 2022, impacting the transformations experimented by such aspects in the past few decades.

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⁷¹ Law N. 24047. General Law on Support to Cultural Heritage. Official gazette El Peruano. Lima, Peru. January 3, 1985.

Second, to get critically close to the *Work of great masters, sages and creators*, a declarative category in this regulation. Their position between authorial and heritage will allow them to stress the tensions and contradictions inherent to the process of translation and appropriation of the international regulation by UNESCO to the Peruvian scenario. Over this foundation, it will be sustained that turning these works into heritage, and their transformation into elements that constitute a cultural inventory, increase existing asymmetries inherent to the abilities of negotiation and representation by the players involved. This phenomenon has been explored by previous research studies (León, 2009; Guerrero, 2018; Matta, 2016), but not specifically around these types of declarations.

To develop this essay, systematization and analysis were conducted on all declarations of Nation's Cultural Heritage given from 1986 to 2022, considering that we are still in 2023. Likewise, the Peruvian national regulation associated to intangible cultural heritage management was reviewed. Finally, it is properly documented that the author of this article is a specialist from the Directorate of Intangible Heritage for the Ministry of Culture from Peru and a member of the team in charge of supervising the declaration processes.

Changes and transformations in the Peruvian heritage regime

It is important to consider that Peru has generated an inventory of intangible cultural heritage manifestations through declarations. Thus, cultural manifestations were declared as elements that integrate the Nation's Cultural Heritage through formal resolutions issued by organizations governing this matter: the National Institute of Culture, first, followed by the Ministry of Culture created in 2010.⁷²

Within this context, the configuration of a regime and an authorized discourse of heritage has been a long process that precedes the 2003 Convention. It has been characterized by the specialization of the government apparatus for management of the intangible cultural heritage. It is possible to distinguish at least 3 periods: from 1986 to 2001, from 2003 to 2010, and from 2011 to the present.

An important indicator that must be considered to understand the changes that occur between one and the other is the number of declarations achieved (refer to Chart N. 01). As mentioned, between 1986 and 2001 there were only five, from 2003 and 2010 there were 82, while from 2011 to 2022 this number more than tripled to 278, on a total of 374 declarations. What factors explain this exponential growth in the number of cultural practices turned into heritage?

72 Law N. 29565. Law on Creation of the Ministry of Culture. Official gazette El Peruano. Lima, Peru. July 22, 2010.

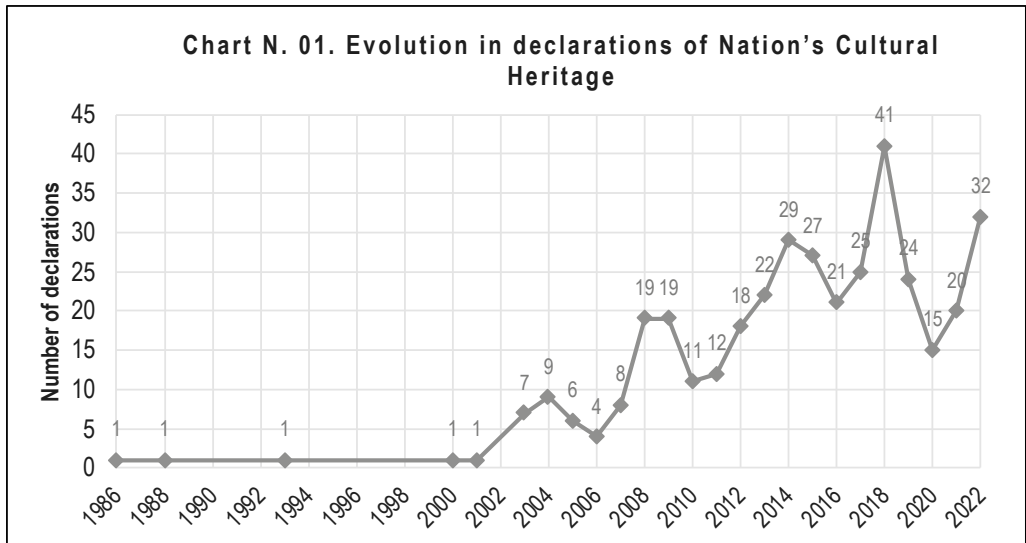


Chart N. 01: Evolution in declarations of Nation's Cultural Heritage.

Source: Ministry of Culture. Directorate of Intangible Heritage.

Developed by: the author.

The first period (1986 to 2001) is characterized by the absence of clear regulations and standardized procedures. Thus, while the first declaration, from 1986, is made with a Supreme Resolution, the ones from 1988 and 1993 are made through Departmental Resolution, and the ones in 2000 and 2001, with National Directorial Resolution. The latter will be the prevailing legal instrument until the creation of the Ministry of Culture, in 2010.

This coincides with the variability in the technical areas in charge of issuing a favorable opinion for each declaration. Basically, each one is given support by a different Directorate in the National Institute of Culture. First, by the Directorate-General of Monumental Cultural Heritage. Then, by the Directorate-General of Production for Cultural Development, which within a year changed its name to Directorate-General of Cultural Production, Development and Diffusion. Finally, by the Directorate of Registration and Study of Contemporary Peruvian Culture.

Likewise, the repertoire of elements of cultural heritage was very heterogeneous, including specially forms of dance and music instruments (*marinera*, *tondero* and Peruvian *cajón*), one denomination of origin (Pisco), and a horse breed (Peruvian Paso horse). In this sense, each declaration became an exercise of bureaucratic creativity.

Different from the first period, the second period was characterized by the emergence of a normative framework where concepts were clarified, and processes were established. It gave more consistency or stability to the Peruvian heritage regime. The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO became a turning point, with immediate repercussions.⁷³

The new General Law on the Nation's Cultural Heritage, adopted in 2004, incorporated for the first time a definition of *intangible assets* as components of the Nation's Cultural Heritage.⁷⁴ The National Institute of Culture became responsible for its safeguarding. Although the General Law on Support to Cultural Heritage, enforced in 1985 and replaced in 2004, had already used the term *intangible*. But it was not properly defined, and the norm was circumscribed to mobile and immobile material properties.

Article 1 – The Nation's Cultural Heritage is under support from the State and National Community, whose members have the obligation to cooperate for its preservation.

The Nation's Cultural Heritage consists of cultural assets that are testimony of human creation, tangible or intangible, expressly declared as such for their artistic, scientific, historic or technical importance. Nature's creations can be the object of such a declaration (Law N. 24047).⁷⁵

Even more important: in the same year, the Guideline N. 002-2004-INC was approved, establishing for the first-time processes and criteria for assessment of requests for declaration.⁷⁶ Thanks to this, the spectrum of players directly involved in the processes for declaring cultural manifestations as the Nation's Cultural Heritage was expanded. In addition, communities of bearers obtained an agency that was until then reserved only to public officials. From the governmental standpoint, the Guideline became the cornerstone on which the Peruvian heritage regime would be built and represented the authorized discourse of heritage. The problem, as explained next, is that it was an instrument that attempted to cater to many aspects simultaneously, thus leaving loose ends and blind spots.

73 The Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO was approved by the Republican Congress through the Legislative Resolution N. 28555, and ratified by the Peruvian government with the Supreme Decree N. 059-2005-RE. The Convention came into force for Peru in January 2006.

74 Law N. 28296. General Law on the Nation's Cultural Heritage. Official gazette El Peruano. Lima, Peru. July 21, 2004.

75 The Law N. 24047. General Law on Support to the Nation's Cultural Heritage, promulgated in 1985 and replaced in 2004 with Law N. 28296, only referred that the Nation's Cultural Heritage was comprised of cultural assets that are testimony of human creation, tangible or intangible, expressly declared as such for their artistic, scientific, historic or technical importance.

76 National Directorial Resolution N. 1207/INC. *Approves Guideline on Recognition and Declarations of Cultural Manifestations in Force as the Nation's Cultural Heritage*. Official gazette El Peruano. Lima, Peru. November 27, 2004. The guidelines, it is worth mentioning, are internal documents of normative character managed both by the National Institute of Culture and by the Ministry of Culture from Peru.

In relation to this, although the Guideline approved, the declaration of Nation's Cultural Heritage remains a central axis. It also introduced other declarative figures due to hierarchical geographic-territorial criteria. Thus, it was established that cultural manifestations could also be declared as Communal Heritage if they corresponded to a rural or native community; Ethnic Heritage if they corresponded to an ethnicity or ethnic-linguistic group; and Regional Heritage when they characterized a region or a considerable part of it.

The issue with this sub-classification is that it did not detail whether such categories worked as a substitute or complement, as some sort of special mention, to the main category of Nation's Cultural Heritage. Additionally, the Guideline also introduced the possibility of declaring as the Nation's Cultural Heritage the *Work by great masters, sages and creators*, a category foreign to the aforementioned geographic-territorial criterion.

Article 10 – The work by great masters, sages and creators in the field of cultural manifestations in force and that contribute to their registration, study, diffusion and safeguarding can be declared as the Nation's cultural heritage. (Guideline N. 002-2004-INC).

On the other hand, the Guideline created another type of non-heritage declarations, adding another level of complexity to these metacultural production processes. Thus, it allowed the possibility of declaring festive activities as “of cultural interest”, as traditional products. Those products resulting from traditional crafts, and finally declaring culinary manifestations as Traditional Specialties.⁷⁷ Concerning them, on the other hand, it was detailed that they could be granted as additions to cultural manifestations already declared.

Finally, the Guideline also gathered within its scope the official recognitions granted by the then-existing National Institute of Culture: Commendable Culture Personality, Living Repository of Collective Memory, and Medal of Honor from Peruvian Culture. Thus, a complex structure of heritage and non-heritage declaration categories that are not necessarily exclusive was built, over which a system of recognitions was also superimposed. This circumstance would only change seven years later, with the approval of a new Guideline in 2011 and its further update in 2015, bringing with it substantial changes to the structure of declarations.

Therefore, the third phase in the construction of the Peruvian heritage regime was characterized by the reduction in declaration processes and categories, in addition to a restructuring of the government apparatus responsible for its implementation. The turning point is the transformation of the National Institute of Culture, attached to the Ministry of Education, into the Ministry of Culture. Hence, the then-existing Directorate of Registration and Study of Contemporary Peruvian Culture became in 2011 the Directorate of Contemporary Intangible Heritage and, two years later, the present Directorate of Intangible Heritage.

⁷⁷ Concerning the latter category, it is worth noting its similarity to the mechanism for certification of *Traditional Specialties Guaranteed*, originally introduced by the European Union's European Commission in 1994 after approval of the Regulation (EC) N. 2515/94 that, on its turn, changed the Regulation (EEC) N. 1848/93 approved in 1993 by the then-existing European Economic Community.

As it can be seen on Table N.01, the approval to the Guideline N.001-2011-MC brought with it the elimination of cultural heritage categories *communal*, *ethnic* and *regional*, leaving only the category of Nation’s Cultural Heritage. At the same time, it maintained the non-heritage declaration categories, but excluded the possibility of having them superimposed in relation to the previous ones. Nonetheless, this new Guideline continued maintaining the recognition system within the same scope.

The Guideline N.003-2015-MC, on the other hand, completely suppressed the non-heritage categories of “Traditional Products” and “Traditional Culinary Specialty”, leaving only “of cultural interest”. However, changing its nature by making it also apply to activities, projects, products or works that would contribute to the promotion, diffusion, preservation, retrieval and safeguarding of arts and culture in general. Also, it removed from the Directorate of Intangible Heritage the ability to issue this type of declaration and granted it to the Directorate of Arts. This is a technical unit corresponding to a completely different branch in the institutional organizational chart of the Ministry of Culture. Finally, the new Guideline excluded from its scope the section of recognitions introduced in 2004 and maintained in 2011, which was then regulated through a Guideline dedicated exclusively to this aspect.⁷⁸

Table N. 01. Declaration categories in the Peruvian heritage regime			
Declaration category	Guideline N. 002-2004-INC	Guideline N. 001-2011-MC	Guideline N. 003-2015-MC
Heritage declarations	Work by great masters, sages and creators		
	From the Nation	Nation’s Cultural Heritage	
	Communal		
	Ethnic		
	Regional		
Non-heritage declarations	Traditional products		-
	Traditional specialties	Traditional culinary specialties	-
	Of cultural interest		

Table N. 01: Declaration categories in the Peruvian heritage regime.

Developed by: the author.

⁷⁸ Ministry Resolution N. 107-2016-MC. *Approving the Guideline N. 002-2016-MC “Guideline on Granting Recognitions from the Ministry of Culture.”* Official gazette El Peruano. Lima, Peru. March 16, 2016.

Among these changes, and as exhibited on the table above, the category *Work by great masters, sages and creators* as a heritage declaration category remained in force, with only a few adjustments to its definition. Thus, the 2011 Guideline replaced the term “cultural manifestations” introduced in 2004 with “Intangible Cultural Heritage manifestations”, which was maintained by the 2015 Guideline:

Article 10 – The work by great masters, sages and creators in the field of cultural manifestations in force and that contribute to their registration, study, diffusion and safeguarding can be declared as the Nation’s Cultural Heritage. (Guideline N. 002-2004-INC)

Article 9 – The work by great masters, sages and creators in the field of Intangible Cultural Heritage manifestations, contributing to their retrieval, registration, study, diffusion and safeguarding, can be declared as the Nation’s cultural heritage, by the Vice-Ministry of Cultural Heritage and Cultural Industries (Guideline N. 001-2011-MC).

This heritage declaration category is problematic for introducing, from an internal institutional normative, a heritage category that is not included in Law N. 28296 and does not match the definition of “intangible heritage”. To understand its origin and place in relation to the rest of declared cultural practices and expressions, it is necessary to first explore the universe of declarations made in Peru to this date.

Composition of declarations of Nation’s Cultural Heritage in Peru

The Convention for the Safeguarding of the Intangible Cultural Heritage of UNESCO mentions, in its Article 2, that the intangible cultural heritage is manifested especially in five areas. The Peruvian legal framework, on the other hand, classifies intangible cultural heritage manifestations in up to nine areas. Although it is possible to find noticeable equivalences between what UNESCO and what the Peruvian government established. There are also remarkable differences and even areas or categories in Peru that do not have a direct equivalence with those by UNESCO. This is the case of “cultural spaces” for representation and *Works by great masters, sages and creators*.

Table N. 02. Distribution of declarations (1986 – 2022) according to the intangible heritage area			
Intangible heritage areas according to the legal framework		Declarations of Nation's Cultural Heritage in Peru	
2003 Convention (UNESCO)	Regulation from Law N. 28296 (Peru)	Number	Percentage
Oral expressions and traditions	Language and oral traditions	5	1.34%
Spectacle arts	Music and dances	134	35.83%
Traditional artisanal techniques	Plastic artistic expressions: art and artisanal works	38	10.16%
Social uses, rituals and festive acts	Feasts and ritual celebrations	131	35.03%
	Habits and traditional rules	2	0.53%
	Traditional forms of organization and authorities	8	2.14%
Knowledges and uses related to nature and the universe	Production practices and technologies	14	3.74%
	Knowledges, wisdoms, and practices associated to traditional medicine and gastronomy	12	3.21%
-	Cultural spaces for representation or performance of cultural practices	8	2.14%
Works by great masters, sages and creators		22	5.88%
TOTAL		374	100.00%

Table N. 02: Distribution of declarations (1986 – 2022) according to the intangible heritage area.

Developed by: the author.

Considering this table, it is worth highlighting a few points. First, 70.86% of the 374 declarations given between 1986 and 2022 are gathered in two of the nine areas indicated above: Feasts and ritual celebrations (131) also Music and dances (104). Second, the other seven areas gather 23.26% of the total, with plastic artistic expressions (38) being the most representative in this subgroup. And third, the *Work by great masters, sages and creators* is the fourth most numerous and representative category or area in the universe of declarations given by the Ministry of Culture from Peru. The latter demonstrates its relevance in the heritage regime built by the Peruvian government.

This scenario changes if the composition of the universe of declarations is analyzed from a more geographic-territorial criterion. It is taking into account the territorial scope or jurisdiction in which a certain cultural manifestation considered the Nation's Cultural Heritage is practiced, and where communities of bearers were identified. To do so, it is necessary to consider that the Peruvian territory is divided into 24 departments, which are comprised of provinces and districts.

In this aspect, a cultural manifestation will be characterized as "Departmental" if its practice and transmission is inscribed to one or several districts and/or provinces in a single department. If, on the other hand, the cultural manifestation is practiced by communities present in multiple departments, it is listed as "Multi-departmental". If the declaration is made without reference to a specific territorial, geographic or spatial area, it is listed as "National". The category of *Works by great masters* has stayed at the margin of this territorial criterion, since it does not correspond to this.

Following this different scheme of analysis, we find that 84.50% of the declarations correspond to cultural manifestations in which practice occurs in the *Departmental* level, 6.95% in the Multi-departmental area, and 2.67% in the National scope. The remaining 5.88% is occupied by declarations of *Works by great masters, sages and creators*. Breaking down this information to a timeline allows us to observe in more detail not only these distributions, but also the trends in territorial and non-territorial scope of the declarations of Nation's Cultural Heritage given by the Peruvian government from 1986 to 2022.

Thus, Chart N. 02 allows us to observe an additional trait in the steps for construction of the Peruvian heritage regime. Until 2004, the cultural manifestations declared were of especially National scope, highlighting the aforementioned Marinera along with Pisco, the Peruvian Paso horse, the Peruvian cajón, the Pachamanca and the ceviche. More than cultural practices or expressions per se, they were icons of nationality in which declaration processes there was not necessarily the participation of communities of bearers or worshipers, but the intervention from public officials and other types of intermediate players (León, 2009).

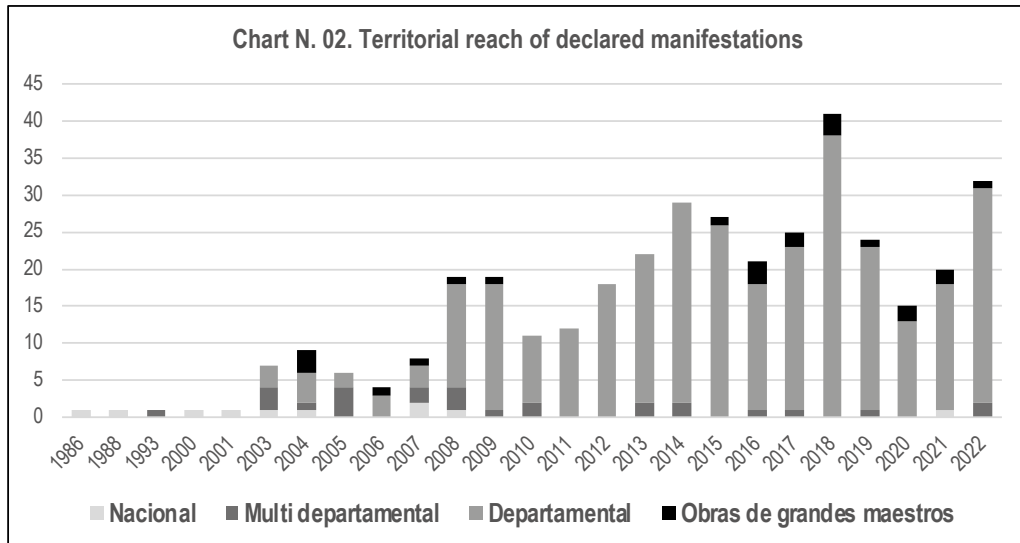


Chart N. 02: Territorial reach of declared manifestations.

Source: Ministry of Culture. Directorate of Intangible Heritage.

Developed by: the author.

Recently, from the emergence of international and national normative frameworks, in 2003 by UNESCO and in 2004 by Peru, respectively, this type of National manifestations gives way to others with more Multi-departmental and Departmental scope. Concerning Multi-departmental manifestations, during the second phase of the heritage regime there was predominance of declaration processes started by the National Institution of Culture or other institutions. However, in the third phase the players that were prominent in these processes were associations representing indigenous and/or native peoples from the Peruvian Amazon.

This change in the centrality of communities of bearers in declaration processes is more noticeable in the case of Departmental manifestations, which will be predominant from 2003 on. Thus, local and communal governments were increasingly positioned to the center of turning cultural manifestations into heritage. In this scenario, the declarations of *Works by great masters, sages and creators* emerged in 2004 and gained consistency as of 2015, with at least one declaration given per year since then.

Works by great masters as translated and adapted heritage category

It was highlighted earlier that the guidelines implemented by INC and by MINCU did not change the place from declarations of *Works by great masters, sages and creators* in the scheme of declaration categories established by the Peruvian government. Also, the few changes made to its definition between the 2011 and 2015 Guidelines further strengthened its position in it – so much so that, as exposed, it is the fourth largest in the universe of declarations of Nation's Cultural Heritage related to intangible cultural heritage. Resuming the aforementioned definitions of this category in the 2004 and 2011 Guidelines, the 2015 Guideline changed the meaning of the declaration, although much more subtly.

7.3 On the declaration of work by great masters, sages and creators from Peru

Scope of declaration

The Vice-ministry of Cultural Heritage and Cultural Industries declares as the Nation's Cultural Heritage the work by great masters, sages and creators that contribute to the retrieval, registration, study, diffusion and safeguarding of the intangible cultural heritage (Guideline N. 003-2015-MC).

Thus, while in the 2004 and 2011 Guidelines it was detailed that the work or *Works by great masters, sages and creators* should belong to the field of cultural manifestations in force or of intangible cultural heritage, respectively. In 2015, it was only necessary for them to contribute to the retrieval, registration, study, diffusion and safeguarding of such intangible cultural heritage. By no longer specifying the field of cultural creation or production to which the work must correspond, the door is open to declare virtually any artifact, product or cultural object of creative nature. Likewise, the general and open nature of such definition allows a constant exercise on free interpretation of the guideline and, therefore, the introduction in the heritage regime of criteria that could match other logics of representation and symbolic positioning.

The changes in the way the declarations of *Works by great masters* were made seem to suggest this. Three of them were made in 2004. The first declares “El cóndor pasa”, an emblematic zarzuela by Daniel Alomía Robles.⁷⁹ The second declares the Inca fox “La Pampa y la Puna” by Carlos Valderrama Herrera.⁸⁰ The third, on its turn, declares the work by José María Arguedas Altamirano.⁸¹ It is not a specific or individual creation, but the universe of

79 National Directorial Resolution N. 219/INC. National Institute of Culture. Lima, Peru. March 16, 2004.

80 National Directorial Resolution N. 569/INC. National Institute of Culture. Lima, Peru. July 27, 2004.

81 National Directorial Resolution N. 1031/INC. National Institute of Culture. Lima, Peru. October 11, 2004.

both literary and academic creations by one individual. The heterogeneity in the processes involved in which, supposedly, is a single heritage declaration category goes further. Thus, the resolutions that establish the declarations from the first and second works include a second item where, respectively, the body of music work by Daniel Alomía Robles and Carlos Valderrama Herrera is declared “of cultural interest”.

During a single year, bodies of works went from being declared as “of cultural interest” to being declared as cultural heritage. Also, none of the first three declarations of *Works by great masters, sages and creators* was made within the framework of the Guideline N. 002-2004-INC that, as seen, created this category. Such Guideline was only published in November 2004, one month after the work by José María Arguedas Altamirano was declared the Nation’s Cultural Heritage.

The second moment when *Works by great masters* are declared occurs between 2007 and 2009, inverting the trend. Thus, the Music work by Tiburcio Susano Mallaupoma is declared in 2007,⁸² the Music work by Ernesto Sánchez Fajardo in 2008⁸³ and the Music work “*Virgenes del Sol*” by composer Jorge Bravo de Rueda, in 2009.⁸⁴ Instead of individual works, the body or total music works by an author or songwriter become predominant in the declaration of Nation’s Cultural Heritage. Such a trend becomes fully consolidated in the third and current period of implementation of this heritage category, which starts in 2015 and that to this date has given a total of 15 new declarations. Although works of music nature remain the main subject of heritage, other types of creative sets also come into play, such as the Artistic work by Joaquín López Antay declared in 2016,⁸⁵ or the Photographic work by Martín Chambi Jiménez declared in 2019,⁸⁶ and the Pottery tradition from the Tineo family, declared in 2021.⁸⁷

Turning an individual’s creative set into heritage leads to questions about the theme of ownership and copyrights. The Law N. 28296, on its Article 2 related to the ownership of intangible assets, indicates:

Intangible cultural assets that are part of the Nation’s Cultural Heritage, for their nature, belong to the Nation; no individual or legal entity can claim the ownership of an intangible cultural asset, with any declaration in this sense being void, whether it had been declared or not as such by a relevant authority. The communities that maintain and preserve intangible cultural assets belonging to the Intangible Cultural Heritage are the direct owners of such Heritage. The state

82 National Directorial Resolution N. 1654/INC. National Institute of Culture. Lima, Peru. December 6, 2007

83 National Directorial Resolution N. 1425/INC. National Institute of Culture. Lima, Peru. October 10, 2008.

84 National Directorial Resolution N. 755/INC. National Institute of Culture. Lima, Peru. May 27, 2009.

85 Vice-Ministry Resolution N. 133-2016-VMPCIC-MC. Ministry of Culture. Lima, Peru. October 4, 2016.

86 Vice-Ministry Resolution N. 188-2019-VMPCIC-MC. Ministry of Culture. Lima, Peru. October 21, 2019.

87 Vice-Ministry Resolution N. 208-2021-VMPCIC/ MC. Ministry of Culture. Lima, Peru. August 30, 2021.

and the society have the duty of protecting such Heritage (Law N. 28296. Article 2. Ownership of intangible assets).

In other words, if a work (whether musical, artistic, photographic or literary) is declared the Nation's Cultural Heritage, its ownership would go to the Nation in its totality and, therefore, to the State. However, such works would not constitute intangible assets, since the definition the rule gives about them refers to the creation of a cultural community. An intangible asset is, then, collective in essence. On the other hand, the *Works by great masters, sages and creators* would be individual on a final instance, and for this reason the cultural heritage ownership regime would not apply to them. Likewise, the aforementioned law does not refer anywhere to the category in question, which seems to only exist in the Guidelines commented.

Both the 2004 Guideline and the 2011 and 2015 Guidelines differentiate the works by great masters from the manifestations of intangible heritage. Also, as exposed previously, it is impossible to assign a territorial attachment to a music work. If this needed to be done, for example, in the case of the musical work by Chabuca Granda,⁸⁸ would we associate it to the city of Lima for having been one of her greatest sources of inspiration or to Apurímac for having been the department where she was born? If we apply this to the photographic work by Martín Chambi, would we link it to his birthplace in the province of Carabaya en Puno or to the city of Cuzco, where he developed a considerable part of his photography?

This leads to two questions. First, how is this declaration category featured in Guideline N. 002-2014-MC? Second, what is the nature of what is becoming a heritage? To answer the first question, it is important to remember the program of Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity adopted in 1997, direct predecessor of the Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO in 2003. It was an initial space for representation and negotiation that allowed to rehearse political interactions between the Party States, as well as to refine the concept of intangible heritage (Aikawa-Faure, 2008). At the same time, it highlighted that in the core of the development of lists or inventories there were criteria for exclusion and selectiveness, which would be reflected in the new Representative List of the Cultural Heritage of Humanity, although with some improvement by removing the term Masterpieces and its implicit evaluative weight (Hafstein, 2009).

In total, three proclamations of Masterpieces of the Oral and Intangible Heritage of Humanity were made, in 2001, 2003 and 2005. Peru managed to have the Textile art from Taquila proclaimed as such in 2005, which means that at least until that year the program of Proclamations of Masterpieces was used by the National Institute of Culture as a tool for

88 Vice-Ministry Resolution N. 001-2017-VMPCIC-MC. Ministry of Culture. Lima, Peru. January 5, 2017.

managing the intangible cultural heritage. If we also consider that, simultaneously, Peru was adopting⁸⁹ and ratifying⁹⁰ the Convention for the Safeguarding of the Intangible Cultural Heritage, it is evident that a process of interpretation and adoption of existing international mechanisms was occurring according to new national guidelines yet to exist.

In this sense, it is likely that the heritage declaration category of *Work by great masters, sages and creators*, featured for the first time in the Guideline N. 002-2004-INC, was created using as reference the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity from 1997. A single Guideline, therefore, would end up combining two international instruments formulated by UNESCO. Notwithstanding, the translation action conducted did not leave the category intact when passing from UNESCO to the National Institute of Culture and then to the Ministry of Culture, which leads us to answer the second question.

The nature of what is being turned into heritage when a *Work by great masters, sages and creators* is declared as the Nation's Cultural Heritage is ambiguous in two senses. First, because there is no concrete definition on what constitutes the work itself, as made evident by initially declaring individual compositions and later opting for declaring the creative set from an individual. The Guideline in force insists on referring to the contribution, or the collaboration, from each of these works to the safeguarding of the intangible cultural heritage to differentiate between declarable and non-declarable. However, even so this does not give a clear definition or description of what must be considered as the *Work by great masters, sages and creators*. Also, it adds a level of discussion, since it would be possible to start considering that the work itself is not declared, but the contribution or collaboration it gives to the safeguarding of the intangible cultural heritage.

Second, the declarations of *Works by great masters, sages and creators* allow ambiguity on their purpose, since, at the same time they turn a cultural artifact, product or object into heritage, they also seem to indirectly grant the title of Grand master, sage and creator to those who created it. Thus, it is simultaneously a declaration and a recognition, which ends up duplicating its potential as a tool for symbolic positioning and representation. This will certainly not go unnoticed by players associated to such processes of turning into heritage, which will use the category as a means to leverage agendas due to social and symbolic capitals acquired in advance.

89 Legislative Resolution N. 28555. *Legislative Resolution approving the convention for the safeguarding of the intangible cultural heritage*. Official gazette El Peruano. Lima, Peru. June 21, 2005.

90 Supreme Decree N. 059-2005-RE. *Ratifying the Convention for the Safeguarding of the Intangible Cultural Heritage*. Official gazette El Peruano. Lima, Peru. August 12, 2005.

Conclusion

The category of *Works of great masters, sages and creators* challenges the heritage regime by being in multiple positions that could be considered liminal. This is a notion created as part of the process of interpretation and adoption of international normative locally. Therefore, this is not a manifestation of the intangible cultural heritage anchored in a territorial circumscription or associated to a certain ethnic group. This defines a field of negotiation and representation where the success of the players involved, and their specific agendas, will depend not only on meeting a series of technical criteria, but also on the ability to mobilize social and symbolic capital.

For the purposes of the heritage regime and the authorized discourse of heritage, these declarations secure a panorama of personalities related to certain popular music currents in Peru that are currently valued as national music. It is no surprise, in this sense, that all declarations on musical works have been around writers and composers of Andean, creole or academic music with indigenous traits. They are in line with what the official discourse and narrative from the government, and its institutions, defend as Peruvian music. Therefore, such declarations also work as a medium to underpin landmarks in the construction of the national imaginary.

Even so, it is necessary to highlight that the Peruvian government has generated a heritage regime that displays a great capacity for adaptation and enhancement over the past two decades. Especially, after the adoption of the Convention for the Safeguarding of the Intangible Cultural Heritage by UNESCO in 2003. This has allowed a declaration mechanism that usually responded to the search for cementing icons of nationality, between 1986 and 2001. Then, to progressively turn into a participative inventory with direct intervention from communities of bearers for the declaration of cultural manifestations, as of 2004.

Proof of this is the creation and update of Guidelines, the reduction of declaration categories, and the sustained growth in the number of declarations given year after year. Thus, proving the existence of a citizen demand for identification, registration and safeguarding of a heterogeneous set of cultural manifestations that generate strong senses of identity. This landscape draws attention to the need to continue enhancing processes, criteria and categories, maintaining communities of bearers at the center of the management of cultural manifestations. At the same time, it represents a challenge to the institutional framework of the Ministry of Culture as a steering entity, as the inventory of cultural manifestations grows in number and complexity.

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