

New challenges for the 2003 Convention: **Achieving a Balance**

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Built over the rubble of the Second World War, UNESCO was conceived from a broad concept on culture, aiming at counteracting the powerful national political propaganda machines arisen in the period between wars, with the primary goal of projecting the countries' soft power internationally. The UNESCO Constitution Chart signatory countries conceived it in the hope that culture played a relevant role as an element that structures the political world, as established in its preamble:

since wars begin in the minds of men, it is in the minds of men that the defenses for peace must be constructed (...). For these reasons, the States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives. (UNESCO 1945).

Aware that certain historical narratives had considerable weight in the mobilization of conflicting nationalisms, the States that comprise UNESCO gave it the mission of promoting a broad exchange of information and knowledge among the States, in different manners. They believed it was necessary to foster a plurality of historical standpoints, to get close to what they defined as "objective truth".

With time, however, this ideal was corroded by the reality of disputes of narratives by the States, which use the concept of culture as soft power. Little by little, from a forum dedicated to promoting agreement, knowledge and understanding between nations through culture, UNESCO started representing a new battlefield for projecting the soft power of States, via cultural diplomacy.

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In a way, the organization itself endorsed this transition, since it currently defines itself as “a laboratory of ideas and an institution that sets standards, to weave universal consensus about emerging ethical topics.” (UNESCO 2004, 33). Considering that UNESCO gives itself the mission of being a point of convergence that allows dialog and consensus from different standpoints, and that the States grant it such legitimacy, the recommendations and inscriptions made under the organization’s aegis have international recognition. UNESCO has, consequently, a discourse of authority. This is the core of the most heated disputes between member States: including in the discourse of authority by UNESCO contents favorable to their national interests. Thus, it is converted into a vast field of dispute for symbolic assets.

The most natural place for the dispute of symbolic power resulting from the organization’s recognition are the clashes in the scope of the cultural convention committees. With the tenure for shared management of worldwide cultural heritage, the six UNESCO conventions have different mechanisms to promote the safeguard, cooperation and fostering in topics that range from the protection of cultural assets in armed conflicts to valuation of cultural diversity.

In the spectrum of UNESCO cultural conventions, the World Heritage Convention stands out, resulting from the international commotion generated from the construction of the Aswan High Dam and the risk of losing such a rich historical heritage in Egypt. The fact made the international community aware of the importance of preserving cultural and natural heritages that could have “exceptional universal value.” In this context, the World Heritage Convention was created in 1972 and has in its founding core the World Heritage List.

Although the concept of “exceptional universal value” is currently the target of criticism, it is undeniable that the World Heritage List project was very successful and still has some credibility, giving prestigious international recognition to a certain site. For this reason, and victim to its own success, the List has been an object of disputes between States, to include and, in some cases, block certain candidacies at the service of national interests. To a large extent, the resulting cartography ends up replicating, with few changes, the *status quo* of the most economically active countries in the world. Consequently, the List can open, in some cases, a space for disputes between memories in contexts not previously considered, contrary to the UNESCO order of promoting conciliation and mutual knowledge. An eloquent example was the discussion about memory sites, which proposes the valuation of sites by their memory value, not by their intelligible aspect (UNESCO, 2021). The memory sites are, thus, a relativization of the concept of “exceptional universal value”, considering the always subjective nature of memory, in contrast to the tangible nature of material heritage.

The World Heritage List opened, anyway, a model for legitimation of soft power via UNESCO that was later replicated by the member States in other themes and mechanisms from the Organization. The same process is seen in relation to the Representative List of the Intangible Heritage, related to the 2003 Convention. Although it is a list that usually has less

controversies than the World Heritage List, a dispute among States to increasingly subscribe national items to the list is also noticed.

Aware of the opportunities and lists from the World Heritage Convention, the proponents of the Convention for the Safeguarding of the Intangible Heritage proposed a different listing mechanism, aiming at avoiding competition between the States for the number of elements inscribed. Thus, they proposed to invert the negative sign from the List of World Heritage in Danger, encouraging the States to inscribe vulnerable elements to the List of Urgent Safeguarding. They also thought of an alternative list, presenting good Intangible Heritage Safeguarding practices. The minutes from the debate that established the Convention show that the last of the mechanisms considered for the Convention was the Representative List of the Intangible Heritage, to avoid the clashes already seen in the World Heritage List.

However, since the Convention was conceived, the goals and priorities given both to the theme of intangible heritage and to each of the lists changed radically. Then, we noticed three major imbalances that, in a way, muddled the development of the Convention: the typological imbalance, the geographic imbalance, and the procedure imbalance.

Resulting from the success of the Convention, the typological imbalance is seen in the major emphasis given to the Representative List in detriment of the others. Currently, the Representative List has 567 elements inscribed, the List of Urgent Safeguarding has 76 elements, and the List of Good Practices, only 33 inscribed. In addition to the imbalance between the lists, we also noticed an imbalance within the Representative List, related to the typology of elements inscribed. However, a dangerous trend in the scope of the Convention is noticed, which has left communities, groups and individuals on a second plane. Instead of listing techniques and knowledges traditional to their communities, some States have opted for registering lifestyles of their populations. Consequently, instead of the community owning the cultural element, the product resulting from its cultural practices, many times associated to highly influential financial circuits, becomes a priority. Thus, cultural owners are no longer objects and have become objects or, at the limit, producers and consumers of the cultural elements turned into heritage by UNESCO.

The most severe thing in these dynamics is that the lifestyle that are becoming heritage do not correspond equitably to the cultural diversity of the States parties, due to the considerable geographic imbalance that exists. We apprehensively observe the trend of the Convention for the Safeguarding of the Intangible Heritage to repeat imbalances from the World Heritage Convention, presenting a high concentration of listed properties in two geographic groups. Thus, within the scope of the Representative List, the European continent by itself has over 38% of all elements inscribed, while Latin America has only 13%, a number slightly higher than the one for the African and Arab regions, which have approximately 9% each.

The recent introduction of “Priority Zero” in the renovation of the listing system has worsened the problem, creating an unjust distortion that allows all States, regardless of how many elements they already have in the Representative List, to present the same number of files every year. Thus, a country that has only one element listed and another that has dozens of elements listed will have, at the eyes of the Convention, the same priority in the analysis of their files. A greater diversity in the Representative List would be very appropriate, so that it can in fact be representative of all regions.

The geographic imbalance makes us reflect about the last imbalance we observe in the Convention – the procedure imbalance, between file and element. Considering the impossibility of including evidence external to the files in the processes of inscription to the Representative List of the Intangible Heritage, the Intangible Heritage Convention ended up consecrating a mechanism for turning documents into monuments. The process of writing the file allows the proponents to hone a certain document to converge with a certain narrative. Consequently, the process of supporting the file many times gets more relevance than the elements proposed. The inscription extrapolates the mere analysis of documents and the strategy from the proponents unfolds into mobilizing an arsenal of convincing arguments for the organ of evaluation (Pereira Filho 2020).

Thus, the emphasis on the file implies favoring developed countries, which have more capacity for preparing and supporting a technical dossier, regardless of the quality, originality and representativeness of elements. The limits of the dichotomy between dossier and element, in fact, are examined by Luciana Gonçalves de Carvalho, in an article included in this collection. It is a complex issue, which balance demands reinforcing the dialog between the inter-government organization and the Evaluation Organization.

The Secretariat and Delegations are aware of these dynamics and have made serious efforts to try to correct all these imbalances. Commissioning studies to avoid commercial risks associated with turning intangible elements into heritage, holding work groups to explore the line of good Convention practices, and the support to qualification projects in regions still with little representation in the Lists are important initiatives to renovate and update the Convention’s mechanisms.

However, a considerable part of the efforts must come from States parties, in an internal exercise of heritage reflection. In this case, in addition to valuing their internal mechanisms for protecting the intangible heritage, forms of international cooperation must be explored for their safeguarding and promotion. This means that, beyond celebrating the intangible heritage, we must reflect on how such traditional knowledges and techniques can contribute to the sustainable development goals, as proposed by Tim Curtis, the Convention Secretary, in a text included in this collection. Thus, the rationale of the heritage board of medals can be overcome, allowing all to value and appreciate the intangible heritage that belongs to all of us, as mankind. In fact, it was with this spirit that not only the Convention for the Safeguarding of the Intangible Heritage, but also UNESCO itself, were conceived.

References

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